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The Inventor's Adviser

WILLIAM C. LINTON



Class T339
Book .L5

TS

1. Act ntions.

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individual.

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8. It i thin any specified
period, in order to maintain its validity. The patent is granted for seventeen years, and remains valid for that period, whether it is worked or allowed to sleep. The seventeen year's term of a patent cannot be extended except by special act of Congress.

9. Two or more persons may apply jointly for a patent if they are joint inventors. Where one person is the inventor and the other only a partner, the patent must be applied for in the name of the inventor; but he may secure his partner in advance by executing a deed of conveyance, so drawn that the patent will be issued in both names. I prepare such deeds. Cost, with recording fee, $5.00 in ordinary cases.

10. Postage and expressage must be prepaid, unless the inventor is unable to get the exact rate from his express agent, and in such case he should always send me a remittance to cover any possible charge.

11. Inventors should never destroy models and sketches made during the development of their inventions. They become of prime importance in case interference controversies should arise. Fix the date on them. It is always well to have evidence to establish the **date of conception** of invention. A good plan is to have a photograph of yourself taken with the model and preserve the date.

12. Positively no new matter can be introduced into an application after it is once regularly filed. The Patent Office will not permit amendments of this character to be incorporated at any stage of proceedings.

13. When you first send a model or drawing of your invention, please explain fully, not only what you claim as your improvement, but also the construction, operation and use of the invention, so that your business will not be delayed by correspondence seeking further information.

14. If my clients will carefully read this pamphlet they will not have to take the time to write me for information, and I will not have to repeat in a letter what is set forth plainly in the pamphlet. The enclosure of this pamphlet, with a paragraph marked, may be considered a respectful answer to such letters.

PLEASE READ CAREFULLY

All Former Circulars Withdrawn June 1921

The Inventor's Adviser

AND

MANUFACTURER'S HAND-BOOK TO PATENTS, TRADE-MARKS, DESIGNS, COPYRIGHTS, PRINTS AND LABELS

WILLIAM C. LINTON

Successor to

Marion & Marion

Established 1892

Graduate Mechanical Engineer,
Bachelor of Laws, Master of Patent Laws
Registered U. S. Patent Attorney
Member Chartered Institute of Patent Agents, London
Société des Ingénieurs Civils de France.
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BUSINESS BY CORRESPONDENCE

One of the rules of practice is to the effect that personal attendance at the Patent Office is unnecessary, and that the business should be transacted in writing.

This method has proven satisfactory. Similarly I have succeeded as well, with those clients living at a distance, by correspondence, as with those who call at my office. My experience in writing thousands of letters and reports to inventors enables me to keep the inventors posted in a lucid manner concerning the progress of his cases before the Patent Office, and to ask definite questions relatively to any points not thoroughly understood. Also the greatest details in the way of instructions are submitted to the client concerning the signing of papers or the presentation of arguments, specifications, agreements, and assignments.

An advantage not to be overlooked in a correspondence system is that the same acts as a legal record, so that in the event of any one's contesting the rights of the inventor, the early letters, descriptions, etc., serve as valuable evidence of the date when the inventor began to correspond about obtaining a patent, and may be used as an

" EVIDENCE OF CONCEPTION "

of your invention. Therefore, have signed, dated and witnessed any drawings or descriptions disclosing your invention.

AUG 25 1922

SEP 1922

BRIEF INSTRUCTIONS IN ORDER TO OBTAIN A PATENT

First: Send to my offices a disclosure of your invention for preliminary search of the Patent Office records. Cost $10.

A disclosure may consist of sketches or diagrams and a description of the invention. A model is desirable, but not necessary.

Immediately upon the receipt of the disclosure, I will make the preliminary examination and render my opinion concerning the invention's patentability and the exact fee required for preparing and filing the application in the Patent Office.

A search is not compulsory, and if you know your invention is new you can instruct me to immediately prepare the application for patent, thereby saving time and cost of search.

Second: If the invention is patentable, then remit to me the usual advance fee of $30 in ordinary cases and I will prepare the complete application papers and drawings which are sent to you for your approval and signature before filing in the Patent Office.

Third: After you have approved your application papers you should then return the same to me with the balance of the fees amounting to $45 in ordinary cases, and the application will be placed on file in the Patent Office which will send to you a receipt to that effect.

Fourth: If no opposition is raised by the Patent Office during the examination and if the invention is found allowable, the final government fee of $20 must be paid in the Patent Office within six months from the date of the allowance.

Fifth: Within about four weeks from the date of the payment of this final government fee into the Patent Office, the official Letters Patent will be issued.

My minimum fee of $75 for preparing and filing an application for patent includes the government filing fee of $15, one sheet of Patent Office drawings and my attorney fee. If the invention is complicated and additional drawings are required extra charges will be made and you will be advised as to the complete cost of your application before starting any work. This minimum fee of $75 does not include any oppositions, interferences or appeals that are likely to arise during the prosecution of the application for patent, nor does it include the final government fee.

BRIEF INSTRUCTIONS IN ORDER TO OBTAIN A TRADE-MARK

First: A trade-mark must be in use before registration will be granted. Facsimiles or specimens of the trade-mark as it is actually applied to the goods should be sent to my offices for a preliminary examination of the trade-mark records to ascertain as to whether or not a similar trade-mark has been previously granted, and as to whether it will interfere with any existing trade-mark. Cost $10.

Second: If the trade-mark is found registerable, you must supply me with at least seven facsimiles or specimens showing the trade-mark as it is actually applied to the goods together with the usual advance fee of $30. Also inform me how you came into possession of this trade-mark, the date of its first use, the goods upon which it is to be applied, how it is applied to the goods, the complete name and address of the proprietor. If the proprietor of the trade-mark is a company, I must be informed of the complete names of the members of the company; if it is a corporation, I must be informed under the laws of which state it was incorporated and the name and the position with respect to the corporation of the official who is to sign the declaration.

Third: Upon having this information, the complete application papers and drawings will be prepared and sent to you for your approval and signature, and they must be returned to my offices with the balance of my attorney fee amounting to $20 for filing in the Patent Office.

If the trade-mark is found registerable, it will be published in the official Patent Office gazette and if no opposition is raised within thirty days after its publication, the official certificate of registration will be issued.

Under the trade-mark act of March 1920, any trade mark or name not previously established in the trade by another individual or concern may be registered in the Patent Office, notwithstanding the fact that the trade-mark or name may be descriptive, geographical or a proper name.

WILLIAM C. LINTON

(Registered)

MINIMUM SCHEDULE OF CHARGES

UNITED STATES

Search as to the novelty of an invention....	$10.00	see page 16
Preparing and filing patent application....	75.00	" 25-29-76
Design patent—3½ years.....	35.00	" 49
Design patent—7 years.....	40.00	" 49
Design patent—14 years.....	55.00	" 49
Trade-mark.....	50.00	" 46
Copyright.....	10.00	" 51
Opposition: Replying to Examiner's Objections..... usually	30.00	" 38
Appeal to the Board of Examiners-in-Chief.	60.00	" 33
Appeal to the Commissioner.....	75.00	" 33
Assignment.....	5.00	" 37
Advance fee for each application.....	30.00	" 26

CANADA

Search as to the novelty of an invention....	$10.00	see page 16
Mechanical patent (machines, etc.).....	70.00	" 25-33
Patent for composition.....	75.00	" 45
Caveat.....	25.00	" 36
Design patent.....	30.00	" 50
Trade-Mark.....$45 and	50.00	" 48
Copyright.....10.00		" 50
Extension of time to commence manufacture.	35.00	" 35
Extension of time to import.....	35.00	" 36
Assignment of patent.....	5.00	" 37
Opposition: Replying to Examiner's Objections..... usually	30.00	" 38
Advance fee for each application.....	30.00	" 26

PATENTS IN FOREIGN COUNTRIES

See price list on pages.....76-80

N. B.—Latter subject to change without notice.

THE COMPLETE COST OF ANY WORK CAN BE ESTIMATED IN ADVANCE

INTRODUCTION

ABOUT thirty years ago, the firm of Marion & Marion came into existence having offices located at Washington, D.C.,United States, and Montreal, Canada. The members of this firm obtained a world wide reputation by representing clients residing in almost every country on the globe, and have obtained many thousands of patents.

Being a member of this firm, I have, since the death of all of my other partners, carried on the business under my own name, and have been representing all clients in the same prompt and efficient manner.

Being a graduate mechanical engineer, as well as a graduate of law, I am competent to handle all classes of inventions, and have a competent staff of assistants, including graduate mechanical engineers, electrical engineers and chemical engineers, as well as an efficient draughting department with a chief draughtsman who has been associated with the firm for the past twenty-four years.



QUALIFICATIONS
OF
PATENT SOLICITORS or ATTORNEYS

The wise man of the parable digs deep and builds his house upon a rock. On what sort of a foundation does the manufacturer of a patented article erect his industry?

The builder for the patentee is the solicitor of patents. Upon the intelligence and care with which the solicitor draws his description and claims depends the stability and effectiveness of the patent. In an oft-quoted sentence no less an authority that the United States Supreme Court has recognized the high quality of skill required in the drafting of patent claims. The ideal patent solicitor should be artisan, engineer, scientist, lawyer, philosopher and prophet—nothing less.

In England, a patent agent is obliged to qualify to rigid standards. In the United States the standards admitting to registration are more easily attained, but the Canadian Patent Office does not keep a registration of attorneys.

No person can practice before the United States Patent Office as an attorney unless he is so registered before that Office, and to become an attorney entitled to practice before the Patent Office he must prove to the Commissioner of Patents that he is fully competent to act in that capacity. Therefore, an ordinay attorney or lawyer cannot practice before that United States Patent Office, unless he has qualified to become a registered attorney.

The Commissioner of Patents has complete jurisdiction over registered patent attorneys to see that they properly represent applicants when applying for patents, therefore should a registered patent attorney misrepresent you, he would be liable for disbarment from practice before the United States Patent Office.

At the present time you can reasonably feel sure to entrust your invention with most any registered patent attorney, as no attorney would knowingly misrepresent you, as if he did he would be compelled to give up his practice which required a number of years of study to qualify as a registered attorney to practice before the United States Patent Office.

Having qualified in the capacity of a registered attorney, I was so registered before the United States Patent Office, in August 1911, under registration number 10,109 and being a member of the Chartered Institute of Patent Agents of London, England, I feel competent to represent applicants desiring to obtain patents. However, too much care cannot be taken when selecting your attorney as if he should fail to give your application for patent the required and proper attention, the patent after it has been granted may not fully protect an inven-

tion. In this respect, I beg to call your attention to a report of a former Commissioner of Patents, in which he says:

"As the value of patents depends largely upon the careful preparation of the specification and claims, the assistance of competent counsel will be an advantage to the applicant; but the value of their service will be proportioned to their skill and honesty. So many persons have entered this profession of late years without experience that too much care cannot be exercised in the selection of a competent man."

The inventor's need of an experienced patent lawyer is emphasized by the following statement of the Supreme Court of the United States in the case of Topliff vs. Topliff:

" The specification and claims of a patent, particularly if the invention be at all complicated, constitute one of the most difficult legal instruments to draw with accuracy, and in view of the fact that valuable inventions are often placed in the hands of inexperienced persons to prepare such specifications and claims, it is no matter of surprise that the latter frequently fail to describe with requisite certainty the exact invention of the patentee, and err either in claiming that which the patentee has not in fact invented or in committing some element which was a valuable or essential part of his actual invention."

Probably the best advice ever given inexperienced inventors is that of Dr. Robert Grimshaw, the well known writer on technical subjects, who said in his " Hints to Inventors ":

> " In getting your invention patented avoid as the devil does holy water, ' the no patent, no pay ' solicitor and those who offer to get you full protection for about one-half the regular fee. The first are like quack doctors; the second like shoddy dealers. Get your patent through some reputable solicitor who will charge a good living price and give you something through which the next comer cannot drive a circus wagon, band and all."

Don't spend any money on your invention unless it is really worth something; but if it is valuable, select an attorney who has the skill and experience to render you really expert service and who will expect you to pay him a fair fee

The United States Patent Office, Art. 17 of the Rules of Practice, says: "Applicants are advised, unless perfectly familiar with patent matters, to employ a competent attorney, as the value of patents depends in a great measure upon the skillful preparation of the specification and of the invention."

The Canadian Patent Office makes the same recommendation to inventors; in the following terms:

" It is desirable, both in the interests of the applicant and of the public service, that the documents and drawings should be prepared by competent persons."

MY OFFICES

I manage offices both at Montreal, and Washington. My Montreal office is located in the metropolis of Canada, and occupies the second floor of the Merchants Bank Building, located at the corner of University and St. Catherine Streets. By having a Canadian office, I am in a better position to look after the interests of my clients who reside outside of the Dominion of Canada. The Patent Office is located at Ottawa, but I frequently visit the Patent Office and, therefore, I am in a position to take up any matters in person with the Examiner of the Patent Office, if such matters need personal attention.

My Washington office is located in The National Union Building, 918 F Street, Northwest, which is within five hundred feet from the United States Patent Office.

PATENT LIBRARY

I have the largest and most complete private patent library in the Dominion, including complete sets of the United States and Canadian Patent Office reports; of the Commissioners' and United States Court Decisions; the Exchequer Court Reports; the " Recueil Général " of the International Union for the Protection of Industrial Property; and an extensive collection of literature on Foreign Patent and Trade Mark Law and Practice; the principal encyclopedias, dictionaries and other works of reference; together with an assortment of technical and engineering literature in various branches of industrial art.

I subscribe to a number of technical and scientific periodicals, current files of which will be found in the library.

I particularly invite all who may have occasion to do so to make use of my library and other facilities to the full extent of their needs.

My Washington office, in close proximity to the United States Patent Office, is always open for the use of my clients who deem it expedient to visit the Capital, thinking, naturally, that they can by their presence facilitate the granting of their patent. While I gladly receive inventors at my office, I must candidly state that the business would be equally as well attended to, were the inventor in New Zealand as in Washington.

THE ADVANTAGE OF HAVING A WASHINGTON OFFICE

Other things being equal, the inventor should select an attorney who has an office in Washington, where the entire patent business of the United States Government is exclusively carried on. And this for many reasons. All the public records and prior patents are open for his inspection and can be examined without the delays incident to correspondence. He does not have to depend upon the service of agents. And, above all, he enjoys a personal acquaintance with the various Examiners of the Patent Office, and can have daily interviews with

them if necessary. The importance of these interviews cannot be over-estimated. When an attorney is interviewing an examiner he can make him see the merit in an invention, if it has any merit at all. More can then be accomplished in this way in five minutes than by months of correspondence and volumes of written argument.

GOING TO OTTAWA OR WASHINGTON

Some inventors suppose, very naturally, that if personally present in the Patent Office, they can get their cases through more expeditiously, or command other important facilities. This is not so. The Patent Office does not prepare patent papers, or make models. These must be provided by the applicant or his attorney, according to law; otherwise, his case will not be considered.

THE NATURE AND POLICY OF PATENTS

It is a well recognized principle that some suitable reward should be given to the person or persons who produce new inventions, such as improved articles of manufacture, or improvements in detail which increase the efficiency of such articles, machines and processes as are already known. It is also understood that the author, artist and designer should be recognized and rewarded for their contributions to the intellectual advancement of the general public.

To adjust the reward in order that the value of each contribution of this nature may be recognized in the proportion of its value to the public, some system of control must be devised which will be so flexible as to automatically regulate itself to all cases as they arise.

The patent laws provide a monopoly for a term of years, during which no one but the inventor or those authorized by him may manufacture, use, or sell any new invention which has been patented in accordance with the terms of the statutes provided for that purpose.

INVENTOR'S MONOPOLY

If all were free to take advantage of new inventions, without paying for their use, there would be no inducement for many inventors to produce such inventions, but, with a certainty of pecuniary profit, there is great incentive to perfect crude machines and processes whereby better results are obtained.

When an inventor has perfected his invention, and has procured Letters Patent therefor, he is assured of an absolute monopoly for the whole term of his patent, during all of which term he may manufacture his invention and sell the same at such advance in price as will enable him to collect from the public in cash a full recognition of the value of his invention.

If an invention possesses great merit, it is evident that the selling price of the patented article may be increased, or, a greater number of such articles will be sold. As no one but the inventor, or those specially authorized by him, may

manufacture, use, or sell a patented article, the entire revenue derived from the sale, or use, of such articles must necessarily be paid to the inventor.

Hence the inventor's reward is automatically adjusted by the extent of the public appreciation of his invention. Great inventions receive general public encouragement, while lesser inventions are rewarded in corresponding degree.

REASON FOR PATENT MONOPOLY

As monopolies are generally considered to be antagonistic to the public welfare, some strong reason must appear to induce the general government to grant, even for a limited term, a monopoly of anything of public utility.

Nothing but a desire to improve the condition of the general public would be a sufficient inducement for the granting of the limited monopoly of the patent system.

The demands of trade and manufacture tend toward the production of more perfect machinery and improved processes of manufacture.

The keen competition of modern commerce causes the merchant and the buyer to closely scrutinize and quickly discriminate between articles of different degrees of merit.

The manufacturer is alert to secure the privilege of producing what the public demands, and the buyers are equally anxious to purchase such goods as will best serve their purpose.

If all were free to manufacture an article or practice a process as soon as it became known, it is evident that only the uncertain glory resulting from public appreciation would be the inventor's reward, and no financial profit would follow as a reward for the benefits he has contributed to mankind.

At this point the well-considered patent law becomes available as a protection to the inventor.

If the invention is a meritorious one, he is entitled to a patent, upon complying with certain conditions. When the patent is granted, it is for a term of years, which is generally sufficient to enable the inventor to derive a sufficient revenue to reward him for producing the invention, after which that particular invention belongs to the general public, and all are free to manufacture, use and sell it.

However, before a patent has expired no one is free to manufacture, use, or sell the patented article, or practice the patented process, either for their own private use, or for a profit. No one but the inventor and those specially authorized by him may use the subject matter of the patent for any purpose whatever. It follows that if an unauthorized person shall make a patented article he will be liable to the inventor for damages. Many persons are under the impression that they have the right to manufacture patented articles for their own private use, but this is an error which has in many instances proven costly to the innocent, but mistaken, persons who unintentionally infringed different patents,

such as the Drive-well patents, Spring-tooth harrow patents, and others which are now expired.

There is no great industry at this time but is dependent almost wholly for its present stage of development, upon the inventor.

All who are engaged in any useful occupation are daily paying tribute to the inventor in some manner.

The income of the manufacturer is increased by reason of the increased sales of patented articles, and because of their greater perfection such articles lessen the necessary labor and increase the earning capacity of all who are obliged to toil.

From the smallest garden to the vast farms of Canada and the United States the product has been wonderfully increased by reason of the more modern tools and implements of agriculture recently invented, in consequence of which vast tracts of territory are now productive which, under primitive methods, could not be worked at a profit.

Many inventions are patented in which are disclosed structures very similar in appearance to previously known devices, and such patents are sustained by the courts.

The reason is evident upon reflection. No matter how nearly the new invention may approach the old in general appearance, if the old device is not perfect in construction and operation, there is room for improvement.

Slight changes in construction often bring success out of failure, and no matter how slight may be the apparent difference, if the difference really exists and produces a new result, it is proper subject for a patent.

Many instances of simple inventions might be cited, as a band wheel bearing for sewing machines, which was of very simple character, but which was recognized to be of sufficient value so that the patent was sustained in the courts. Another case in which the invention consisted merely in a hump or rise in the returning raceway of a ten-pin alley, this hump or rise being near the end of the raceway to prevent the returning balls from reaching that end where the player takes the balls with a smashing impact. This patent was sustained in the courts. A detachable device which suspended both stockings from a single existing point of support on the corset, formed the subject matter of another patent which was bitterly contested and sustained. The application of a well-known torsional spring to a telegraph key; placing a rubber back upon packing for stuffing boxes; the substitution of hard rubber for materials previously used as a plate for artificial teeth, and many other apparently simple devices have been patented, and the patents sustained in the courts. In the cases of Hobbs vs. Beach, decided March 5, 1901, by the United States Supreme Court, the opinion of the court after referring to various simple constructions upon which patents have been sustained, contained the following language:—

" If there be one central controlling purpose deducible from all these de-
" cisions, and many more that might be quoted, it is the steadfast determination
" of the court to protect and reward the man who has done something which has

" actually advanced the condition of mankind, something by which the work of " the world is done better and more expeditiously than it was before. . ."

In the case of Crown, Cook & Seal Company vs. Aluminum Stopper Company, 108 Federal Reporter 845, the Court of Appeals of the United States Circuit Court said with reference to the patented invention:—

" Painter's invention is not one of those great epoch-making discoveries " like that of printing, or the steam engine, or the electro telegraph, which " opened to their inventors the portals of the Pantheon of immortals. For such " as these the love of fame and the glory of being benefactors of human kind " served alike as motive and reward, but to the patient laborer in workshop and " factory the incentive of fame and glory is absent. For them the stimulus of " the rewards offered by our patent laws is needed to encourage by the hope of " profit that zealous eagerness to improve processes, to remedy defects in " machinery, to invent new methods and appliances for saving labor and cheap- " ening production in the numberless articles that are in daily use. It is this " stimulus that has made the American mechanic the most alert, observant and " studious of any in the world, and it is the indefinite multiplications of these " small inventions and improvements that has wrought an industrial revolution " and brought this country to the forefront of the world commerce. It was the " consciousness that in the knapsack of every private soldier there might be " the baton of a marshal of France that inspired her soldiers to unparalleled " achievements. In our unheroic industrial age the central processes of a " nation's life lie in production and distribution. The protection and hope of " profit held out by our patent laws inspires that stimulating energy which leads " to experiment, invention, and all the resulting benefits; a refusal of that por- " tection in a proper case will deaden and destroy it."

In the case of George Frost Company vs. Cohn et al., 119 Federal Reporter 505, the Court of Appeals says:—

" composed, as supports substantially similar to the one patented by Gorton " were old, except that instead of having a button with a rubber shank or wholly " of rubber, the button and shank were of metal."

Nevertheless, the patent was sustained. As the Court says:—

" It is not necessary to the patentable novelty of a device which consists in " employing a new material for an old one in constructing one of its parts, that " the substitution should involve the discovery or utilization of an unknown or " unexpected property of the material."

Many great inventions seem most simple when once made and disclosed. It is only the wisdom which comes after the fact which tells us that any one could have done what the inventor did.

In the well-known case of Corning vs. Burden, 15 Howard 252, speaking of an art, the United States Supreme Court says:—

"A new process is usually the result of discovery; a machine, of invention."

About the year 1828, James Neilson discovered that a hot blast of air thrown into a furnace was more effective than the cold blast previously used. Neilson filed an application for patent, and described an apparatus for making use of this discovery by heating the air blast before it was directed into the furnace, and his patent was sustained by the courts in numerous instances, in one of the decisions relating to which the court said:—

" The patent law is not confined to new machines and new compositions of " matter, but extends to any new and useful art or manufacture. A manufactur- " ing process is clearly an art within the meaning of the law."

Having once made a discovery in an art relating to manufacture, the machine for carrying the discovery into effect may be as simple as falling off a log—as simple as the hot blast described by Neilson—yet if the patentee describes one way of carrying his discovery into effect, he is entitled to a patent for his method or process as a new art, or an improvement in an art.

" This means by which the principle (new discovery) is applied may be " devoid of invention, and such as any workman skilled in the art wherein the " application is made might supply when the discovery is told him." Potts vs. Creager, 155 United States, 597.

Cases might be cited almost indefinitely where patents have been procured and sustained, in which the apparent difference between the patented article, machine or process and the prior art was slight, but in many instances this apparently slight difference brought success from failure, and rendered the old more valuable, thereby revolutionizing and making useful what had heretofore been of little or no value.

VALUE OF AN INVENTION

This leads to the consideration of a question which is frequently submitted to a Patent Solicitor, viz., what is the value of a given invention. A complete answer would involve the consideration of too many details for a publication of this character. Value may be given to an invention by one man who will realize a fortune from it because of his energy and perseverance, where another would accomplish practically nothing. One of the reasons for this is frequently the desire of inventors to realize vast fortunes from little effort within a too limited time. A patent is a monopoly which, in hands that are fit, may result in the manufacture and sale of vast quantities or numbers of the patented articles, but if the inventor seeks to overcharge for what he has, he must expect the same fate as one who seeks to place too high a price upon any article of commerce. The public is appreciative, and is always willing to pay an advance for move perfect goods, but where the price is made prohibitive, then more primitive articles of manufacture can and will be used, even though the patented article is much superior. Each invention must rest upon its own merit, and no hard and fast rule can be laid down for determining the value of inventions. The same perseverance which leads to the perfection of a machine if properly applied

to the commercial side of the transaction will undoubtedly result in a profit proportionate to the value of the machine, and the energy displayed in placing it upon the market, and it is for the inventor to determine by his method of management what is the real value of an invention.

POSSIBILITY OF SECRET USE

Secret use of an invention is not consistent with the progress of the age and is not protected by the courts. If a manufacturer has an invention which is of great value, such value exists only because it confers a monopoly upon the possessor of the secret. This monopoly vanishes as soon as the secret is discovered and the whole world may then do what was therefore done in secret. No one can prevent it, and no law, but the patent laws, may be invoked to restrain any one from doing what is considered useful to mankind.

It would be practically impossible to keep secret a valuable invention for fifteen or eighteen years, and derive a revenue from it, yet the patent laws confer a monopoly for that term, during which no one but the owner of a patent may use the patented invention.

PATENTS—WHAT ARE THEY?

A patent is a contract made between the Government issuing the patent and the inventor, in which both parties have conditions to perform. The conditions are reciprocal and all patents are based on them.

These conditions are that the Government will grant to the inventor provided he is entitled to it, a monopoly of the use of the article, machine methods, etc., for a fixed period of time, upon the condition that the inventor at the expiration of that period, gives the invention to the public.

The conditions of the contract upon which a patent is granted vary in all of the nations and governments having patent systems.

In most of the countries, however, the condition is that the thing sought to be patented, must be **new and useful,** and a patent can be obtained only when such is the case. As this is absolutely essential, and upon these points the application filed must stand or fall, it is readily seen that each inventor, before going to the expense of an application, and the paying of Government and attorney's fees, should first ascertain if his invention will probably comply with these conditions. If the invention is not **new and useful,** no patent can be obtained, and the inventor has nothing to show for the money expended.

The inventor should therefore have a search made to ascertain as to whether or not his invention is new and useful. In this connection the inventor should send me a comprehensive sketch or model of his idea, and a description which is sufficiently clear to be understood. I will then make a search of the pertinent U.S. patents in the class to which the invention relates and send my report as to whether the invention is **probably** patentable.

SEARCH

What it is.— My search of the records of the Patent Office is to ascertain if any patents have been granted which would prevent the granting of a patent for the invention submitted. This search is made in the United States Patent Office, where the system under which the patents are classified, etc., is more complete than in any other country. When a search as to novelty is made in the United States Patent Office, all available U.S. patents are carefully examined to find the various features of invention disclosed in the model or drawing submitted. The result of that examination is reported to the inventor. I advise a search in the United States Patents Office for the reason that the authorities have provided for inspection some 1,300,000 copies of United States Patents, each for a different invention, and all arranged in classes and sub-classes for making searches.

The Examiners of the Patent Office do not make searches prior to filing applications for Patents, and it should be clearly understood that a search made at Washington prior to filing an application is made among United States patents only, as foreign patents are not separately classified for public inspection.

If a better place than the United States Patent Office existed, in which searches could be made, I would make searches in such better place.

If an invention is disclosed in a United States patent, or in a patent granted in any country, such invention is not patentable in Canada to another person. hence I prefer to make all searches in the United States Patent Office where the largest number of patents are open to our inspection. Nearly every good thing patented anywhere has been patented in the United States, so that a search of the United States patents in a particular class tells nearly all that is worth knowing in that class, and should be accurate in ninety per cent. of cases.

I also make searches of the records of the Canadian Patent Office when desired.

A special search is a wise safeguard as it often prevents the useless expenditure of money in endeavoring to secure a patent where none can be obtained.

A favourable report will often enable inventors to interest capitalists in the inventions, at least to the extent of advancing the money necessary to take out the patent. In this connection it should be said that it is not necessary to find a man of large means to assist you in obtaining a patent. Nearly any inventor has among his friends and neighbors a dozen or more in moderate circumstances who can command the small sum necessary to secure a patent, and who will be only too glad to advance the money upon condition of becoming the owner of a part of the patent. After the inventor has ascertained the patentability of the invention, he should easily find many persons only too willing to invest a few dollars in order that they may participate in his good fortune. I should, therefore, advise all inventors, especially those who have not funds to pay the entire cost of patent, to have a special search made of the records of the Patent Office, in the first place. My report, if adverse, will save

them money, as they will not persist in fruitless efforts to obtain a patent at a loss to themselves; and if favorable, will probably enable them to make arrangements with moneyed people, who will almost invariably advance the cost of a patent in consideration of the assignment of a part interest in it, but who would rightly hesitate to put their money in the venture without such assurance.

Dependent upon the findings of my preliminary examination of the pertinent classification of U. S. patents in the Patent Office, a report will be directed to you. In this report, I will definitely give my opinion, based upon the findings of the examination, of the advisibility of proceeding with an application for Letters Patent. In the event that the invention appears to be anticipated in the prior patented art, this will be definitely stated. On the other hand, if the invention, in my opinion, is patentable, then an application for Letters Patent protection should be proceeded with, and in order that you will be acquainted with the outlay to be made for preparing and filing such an application in the Patent Office, I will quote a fixed charge for these services.

I do not expect the inventor to rely entirely upon my opinion, even though the same is the result of careful study and thought, and accordingly, when making report to him upon the findings of a preliminary examination, copies of such prior patents as are located will be enclosed therewith. In this way, it will be appreciated, that you will be acquainted with the situation and also placed in a position to pass judgment, personally, upon the subject.

When instructing me to proceed with the preparation of a case, an advance fee, usually of about one half of the amount charged for preparing and filing the case should be remitted. This fee not only shows good faith upon part of the client, but also, is applied to partially defray the expense incurred by such preparation of the application.

Upon completion of the preparation of the application, the same will be then forwarded to you for your inspection, approval and execution, whereupon it should be returned to my offices with the balance of fees due for filing in the Patent Office.

WHO CAN OBTAIN A PATENT

Any person, adult or minor, who is the first and original inventor or discoverer, may secure a patent, regardless of his nationality.

The words **"Any Person,"** in the United States mean a minor as well as an adult, a married woman as well as an unmarried, joint inventors no matter how many in number, and foreigners as well as United States citizens.

A deceased person's invention can be patented on the application of his executor or administrator.

JOINT INVENTORS

Whenever an invention is the joint product of two or more minds, a Patent thereon must be jointly applied for by **all the inventors,** and if a Patent for a joint invention is taken out by any number of such inventors less than the whole

the Patent is invalid. The fact that one man furnishes the capital and another makes the invention, does not entitle them to make application as joint inventors. In such case, the patent should be applied for by the inventor **alone**, who may, however, assign any part of his rights during the prosecution of his application, before the issue of the patent, and thereby cause the patent to issue to the inventor and assignee jointly. Such assignment should be recorded in the patent office, as provided by the law.

JOINT OWNERSHIP

Joint owners of a Patent, whether by assignment or joint invention, have the right to work the invention independently without accounting to one another. It is advisable, therefore, that such parties should have a special Agreement drawn up by a competent person, defining the rights and powers of each.

THE PATENT APPLICATION

This consists of the **Petition, Specification, Drawings** and **Oath.** Of these the specification, claims and drawings are of the most importance, the petition and oath being matters of form.

As the original application determines the point of greatest breadth to which the patent can be construed, it will be readily understood that the preparation of the specification, claims and drawings are matters of the greatest importance to the inventor, as upon them the patent must stand or fall. To more clearly show the value of these parts of the application, we give a short description of the requirements of each.

THE SPECIFICATION

The specification is the **Key-Stone** of the patent, for on it all of the remaining portions must depend for support. If the specification is prepared in an unskillful manner, by reason of ambiguous wording, insufficiency of description, etc., a patent granted thereon would be practically worthless, inasmuch as it would be impossible to determine the value and effect of the claim and of the patent. The specification **must** be so "full, clear and exact as to enable anyone skilled in the art to which the invention appertains to make and use the same." And such must necessarily be the case, since the specification forms the only basis upon which the public can make use of the invention after the patent has expired.

The preparation of the specification is therefore of the greatest importance, and should only be done by a person having extensive training in this particular branch. It appears to be an easy matter to describe an invention, and set forth its objects and advantages; yet, on looking over the decisions of the Courts, which are the sole judges of a patent, it will be found that a vast number of

patents have been declared void and invalid by reason of a defective specification.

The brainiest legal practitioners do not undertake to prepare a specification, leaving it to be done by some person especially trained to this work. They tacitly admit their inability in this particular line, although they are authorities on legal questions.

When it is considered that each specification must contain, in addition to the complete description, the points on which the demand for a patent is made (which in many cases are imperceptible even to the experienced eye of the expert), it can be readily seen that it is something which should not be left to novices, and especially is this true in patents for inventions of great utility, where the success of the manufacturer leads others to attempt to imitate. This is the **crucial test** of the patent. Suits for infringement are threatened, and the services of patent lawyers, versed in all of the intricate details and requirements of the patent laws, are brought to bear in the attempt to have the patent declared invalid. Each minute part of the application and patent are carefully scrutinized and examined, with a view to finding some flaw. The most attention is paid to the specification, and why? Because it is the most vulnerable part of the patent. These legal luminaries well know that although the claims may be subject to attack on the point of prior anticipation, yet these claims would be held valid, if there is any patentable merit in them, but such leniency would not be exercised in respect to the specification—that **must** be "full, clear and exact,"—and the least defect in it will prove fatal. What chance would there be in such a case, for a specification prepared by a novice with little or no experience?

To prepare a specification, which will be able to withstand the many pitfalls in the Courts, requires a mind able to grasp, by intuition, the subtle differences in inventions, and such ability can only be acquired by experience combined with a knowledge of the arts and manufactures, each different and in a constant state of improvement. To this must be added the ability to present these differences in a legal manner, in order that their full force and effect can be seen and felt, without any possibility of doubt as to what is meant.

In fact, the specification must be prepared with a foresight sufficient to guard against attacks of every kind and nature, that may be brought to bear against it at a future period, where the attacks have the advantage of extended thought and research.

This service must necessarily be expert and cannot be furnished by a **cheap** attorney. **He cannot pay for it. And he must leave the work of preparation to novices.** The average inventor does not consider this point and sends his work to the lowest bidder, with the consequence that many of the patents granted are not worth the paper they are printed on. He finds, when it is too late, that he has been "gold-bricked" and regrets his folly in saving the small difference in cost, this saving, though small, being sufficient to cause the difference between a worthless and a valid patent. The inventor would do well to follow the example of the manufacturers in this respect.

Too much skill can never be exercised in the preparation of a specification.

Fraser says:

" The drawing up of a complete specification is an operation which requires the utmost care, skill and attention, for the **validity of the patent will depend on this document being clear, explicit and circumstantial.** Few inventors will venture to assume a task which is calculated to try the capacity and experience of the **most able professional man.**"

Godson says:

" In the specification the invention must be accurately ascertained and particularly described; it must be set forth in the most minute detail. The disclosure of the secret is considered as the price which the patentee pays for this limited monopoly, and therefore it ought to be full and correct (for the benefits thus secured to him are great and certain), in order that the subject of his patent may, at its expiration, be well known, and that the public may reap from it the same advantages as have accrued to him."

The specification has two objects: one is to make known the manner of constructing the machine, if the invention is of a machine, so as to enable artisans to make and use it, and thus to give the public the full benefit of the invention after the expiration of the patent; the other is to put the public in possession of what the patentee claims as his own invention, so as to ascertin if he claims anything that is in common use, or is already known, and to guard against prejudice or injury from the use of an invention which the public may otherwise innocently suppose not to be patented. See Evans vs. Eaton, 7 Wheat, 356. The specification must be perfect of itself, an imperfect description makes a patent void, see Wayne vs. Homes, 1 Bond, 27; it must explain the principle of the invention and state the best known mode of constructing and operating it, see Grier vs. Castle, 17 Fed. Rep. 523; 24 O. G. 1176; it must distinguish the new from the old, see Sawyer vs. Miller, 12 Fed. Rep. 725; and describe some practicable method of carrying the invention into effect, see **ex parte** Schoonmaker 13 O. G. 595; it is sufficient if, from it alone, a competent mechanic can construct the invention, see Wayne vs. Holmes, 1 Bond, 27. If the description is sufficient to enable those skilled in the art to which it pertains to make and use the invention the requirement of the law is satisfied, see Loom Co. vs. Higgins, 21 O. G. 2031; Roberts vs. Schreiber, 18 O. G. 125. " Persons skilled in the art " are those of ordinary and fair information, not of special excellence, see **ex parte** Kerr, 28 O. G. 95. If on the assumption that certain matters are known to those skilled in the art, the specification is intelligible, it is sufficient, see Hancook Inspirator Co. vs. Lally, 35 O. G. 1001; and if a description is sufficient at the date of the patent subsequent discoveries cannot make it less so, see Celluloid Mgr. Co. vs. Am Zylonite Co., 40 O. G. 1453.

A failure to describe an essential element avoids the patent, see Schneider vs. Hill, 5 Bann & A., 565. Absolute precision is not required, see Dorsey Har. Rake Co. vs. Marsh, 6 Fisher, 387; but nothing can be patented unless it can be described, and a patentee cannot have invented what he cannot describe, see

Smith vs. Downing, 1 Fish. 64. Mistakes in naming the invention, or in assigning the invention to its proper class, as by calling it a product when it is a process, do not render the description insufficient, see Foye vs. Nichols, 23 O. G. 2243.

Modifications and appliances which would suggest themselves to ordinary mechanics need not be mentioned, see Union Paper Bag Co. vs. Nixon, 4 O. G. 31; nor is it necessary to describe all the uses of the invention, see Pike vs. Potter, 3 Fisher, 55. Ambiguity in the description is fatal, irrespective of the intent of the inventor, see Blake vs. Stanford, 3 Fisher, 294; but not unless the description is rendered unintelligible, see Swift vs. Whisen, 2 Bond 115.

False suggestion in a material part of the specification avoids the patent see Delano vs. Scoot, 1 Robb, 700; and concealment by which the patentee obtains an advantage over the public, if wilful, avoids the patent, see Heath vs. Unwin, 2 Webb, 236. If the invention relates to a machine the specification must clearly describe the exact construction and operation of every part thereof, and the machine as a whole; if it relates to a process, it should describe the process step by step, as well as the operation as a whole; if it relates to a composition of matter, it must enumerate all the different materials entering into such composition, the proportions of each, the manner of combining them, and the essential qualities of the resulting composition.

THE DRAWINGS

The preparation of the drawings should receive the same care and attention as the specification, in fact, the specification and drawings are of almost equal importance.

While the specification must be complete in description, the drawings must clearly set forth what is meant by the various terms and phrases used in the specification, serving as a lamp by which the invention described in the specification may be clearly seen and understood.

The drawing must be clear and concise, and must conform to the rules of the Patent Office. They must present the invention fully and completely and leave no doubt as to what is intended to be disclosed in the specification.

The figure of the drawing must be of a size to clearly show the parts, and a sufficient number must be made to show each and every portion of the invention. And in a patent for an improvement on an existing machine, sufficient views must be made as will clearly indicate to what portion of the old machine the improvements are attached.

A great deal of unnecessary trouble is often caused, in the prosecution of applications, by reason of the small scale on which the views are shown. This is caused by the attempt to illustrate the invention on a limited number of sheets of drawings. Such limitation always works to the disadvantage of the inventor, as the small views cannot show the invention in as much detail and clearness as views of larger size. My advice on this point is to have the draw-

ings made on a large enough scale to clearly illustrate the invention regardless of the number of sheets. The extra cost will be money well invested, as it will allow of the presentation of the invention in a more attractive and, therefore, more saleable manner.

EXTRA DRAWINGS

During the preparation of an application for patent it sometimes becomes necessary to prepare more than one sheet of drawing to illustrate the invention, as required by the rules and regulations of the Patent Office. In such cases the usual expense of filing an application is increased at the rate of $5.00 to $15.00 for each additional sheet of drawing required, according to the amount of work required on each sheet.

My experience teaches me that it is money well spent to show every detail of an invention by large, clear, well executed drawings. By this means I facilitate examination in the Patent Office, and invariably secure the most satisfactory results in the shortest period of time.

THE CLAIMS

The claim is the gist and soul of the patent. It must contain a summary of what is shown in the drawings and described in the specification, but must be drawn in a concise manner. Each claim must be for a complete construction, and contain sufficient elements to make it complete. All superfluous verbiage must be eliminated and the necessary portion " boiled down " and condensed to its lowest degree, yet leaving it in such condition that no doubt can be felt as to what is meant. The claim should not contain any element, except that which belongs explicitly to the invention, as adding of a useless element tends to weaken instead of strengthen the claim.

Like the specification to prepare a claim requires a knowledge of the relative legal weight of the elements composing it, but unlike the specification, the claim must be presented in a concise manner, stating the meaning and substance of the specification, but in terms of the shortest and most definite character.

It may prove interesting to inventors to know that claims containing the least number of elements and having few or no qualifying adjuncts, are the groadest ones; and that such qualifying adjunct and each added element lessens and limits the value of the claim in a corresponding ratio.

In preparing claims, it is my object to present them in a perfect legal form and with a breadth commensurate with what I think the inventor is entitled to. It sometimes happens that I am unable to obtain such claims, but the citations of the Examiner enable me to present amendments which will relieve the claim from opposition on the part of the Examiner and also prevent any chance of being held invalid in the Courts, as far as such chance can be avoided.

The office of the claim is to define the exact limits of the invention; the scope of the patent is governed by the claim, see Yale Lock Co. vs. Greenleaf,

35 O. G., 386, and the invention patented is the invention set forth in the claim and that only, see Tochey vs. Harding, 1 Fed. Rep. 174; McMillan vs. Rees, 17 O. G. 1222. If the claim does not define the invention the courts can give no relief, see Del. Coal & Ice Co. vs. Packer, 24 O. G. 1273. A patent must stand or fall by its claims, see Meissner vs. Devoe Mfg. Co., 2 O. G. 545; and this is so, even if the claimed invention be less than the real invention, see Brass Co. vs. Miller, 5 Fisher, 48. When the terms of a claim in a patent are clear and distinct (as they always should be), the patentee, in a suit brought upon the patent is bound by it, and cannot show that the invention is broader than the terms of the claims, see Merrill vs. Yeamans, 12 O. G. 980. The court will not go into the history of the art, see James vs. Campbell, 21 O. G., 337; nor enlarge the claim by the description, see Yale Lock Co. vs. Greenleaf, 35 O. G. 386. Failure to claim described matter dedicates it to the public, see Swift vs Jencks, 27 O. G. 621.

A claim must be for an operative means, see **ex parte** Connelly, 1 O. G. 573; and be for matter so described that anyone skilled in the art can use it, see Vogler, vs. Semple, 11 O. G. 923. It must state a concrete invention, not an abstraction, see **ex parte** Designolle, 13 O. G. 65. General truths and forces belong to all men and cannot be claimed, see opinion Atty. Gen. 8 Op. ,At. Gen. 269.

But one invention can be embraced in a single claim, see **ex parte** Bland, 15 O. G. 775.

The claim must precisely define the thing invented, see **ex parte** Mayall, 4 O. G. 210; and distinguish the invention claimed form all known inventions, see **ex parte** Funck, 14 O. G. 158; Terry Clock Co. vs. New Haven Clock Co., 17 O. G. 908; and must correspond with the specification, see Knox vs. Quicksilver M. Co., 4 Fed. Rep. 809. Every element claimed must be clearly stated, not merely inferred, see **ex parte** Holt, 29 O. G. 101; and such indefinite expressions as " means," " mechanism," etc., should not be used except to denote appliances that are not essential parts of the invention, see **ex parte** Stoughton, 43 O. G. 1345.

A claim covers all equivalents, see Burdon vs. Corning, 2 Fisher, 477; even though the inventor never thought of them, see McNamara vs. Hulse, 2 Webb, 128; and equivalents should not be expressly claimed, see **ex parte** Reid 15 O. G. 882.

A claim for a function is void, see Matthews vs. Schoneberger, 18 O. G. 1464; and **participal** claims are improper, see **ex parte** Cox, 3 O. G. 2; nor can the claim be for a mere result or effect. A claim of the " mode of operation " is void, see Hatch v. Moffat, 15 Fed. Rep. 252. The claim should be drawn to cover the construction of a machine or apparatus, not its mode of operation, or the result produced.

Alternative claims are not allowable, see **ex parte** Holt, 29 O. G. 171.

While claims for the same thing may be repeated in different language in order to prevent misunderstanding, see **ex parte** Hahn, 8 O. G., 597, the claims should not be unnecessarily multiplied.

Claims for separate but **dependent** inventions may be joined in a single application, see **ex parte** Smith, 2 O. G. 117; but separate and distinct inventions, capable of separate use, cannot be so claimed.

The claim for combination of elements must embrace specifically all of the essential elements necessary to produce a distinct and operative combination, see **ex parte** Rhentan, 5 O. G. 521; it should not include non-essential elements, see Rapid Service Store R. R. Co. vs. Taylor, 42 O. G. 721; nor the connecting mechanism unless it is an element in the combination or is essential to the comprehension of what is claimed, see **ex parte** Skinner, 19 O. G. 662. A claim for an inoperative combination is void, see Torrant vs. Duluth Lumber Co., 39 O. G. 1425. Each of the elements and sub-combinations, if new and patentable, may be separately claimed, as well as the combination of a whole, see Stevens vs. Pritchard, 10 O. G. 505; Bank vs. Snediker, 17 O. G. 508.

The claim for an art or process should enumerate each of the acts or steps of the process in the order in which they are employed; and in such a manner as to identify them with the acts or steps set forth in the specification (see Robinson on patent § 529), and each step of a process, if a true sub-process, may also be separately claimed, see **ex parte** Wilson 16 O. G. 95. A general claim for a process covers all ways of performing it, see Tilghman vs. Proctor, 19 O. G. 859. It does not, however, necessarily cover the product, see Goodyear vs. Wait, 5. Blatch, 468; and does not protect the product if the product can be made in any other way, see Goodyear vs. Railroad, 1 Fisher, 626. Mere mechanical processes are not patentable, see Medart vs Risdon Iron Works, 71 O. G. 751.

The claim for a machine must be drawn to cover a specific piece of mechanism or apparatus; it must not be drawn so as to claim a mode of operation, a principle, an idea, a means of producing an effect or an effect produced, see Burr vs. Buryea, 1 Wall, 531. If the invention does not embrace an entire machine the parts invented must be distinctly claimed, see Seymour vs. Osborne, 11 Wall, 516. Each subordinate mechanism may be separately claimed, even though not useful by itself, see Wells vs. Jacques, 5 O. G. 364. The claim for composition of matter should set forth its elements, the mode of combination, and the essential qualities of the resulting compound, see **ex parte** Williams, 10 O. G. 748. A composition of matter requires but a single claim see **ex parte** Wheat, 16 O. G. 360.

The claim for a manufacture should set forth the essential qualities and the mode of making it, see U. S. Nickel Co. vs. Pendleton, 24 O. G. 704. A manufacture must be claimed as a new product and independently of the process of making it, see **ex parte** Mayall, 4. O. G. 210.

The claim for an improvement upon a known art or machine must clearly state the exact improvement made, see **ex parte** McMurray, 8 O. G., 943; and must distinguish the new from the old, see Brown vs. Selby, 2 Bissell, 459. It is not sufficient that persons skilled in the art can distinguish the improvement from the original invention, the claim itself must show it, see Foxwell vs. Bostock, 10 L. T. Rep. N. S. 144.

Claims must be either generic or specific. A patent claiming the genus, dominates all subsequent patents claiming only the species, see **ex parte** Ewart, 17 O. G. 448. Generic claims do not cover functions results or effects see **ex parte** Beairs, 16 O. G. 1233. An inventor of a species before anyone else invents the genus, or any other species, may claim the genus, see **ex parte** Gardner, 17 O. G. 626; but no patent with generic claims can be granted after one with a species, see **ex parte** Upton, 27 O. G. 99.

Patents for inventions are treated as a just reward to ingenious men, and as highly beneficial to the public. Specifications are, therefore, clearly entitled to a liberal construction, since they are granted, not as restrictions upon the rights of the community, but " to promote science and useful arts." Blanchard vs. Sprague, 2 Storey, 164. Under the fair application of the rule " ut res magis valeat quam pereat," patents are, if practicable, to be interpreted as so to uphold and not destroy the right of the inventor, see Turrill vs. Railroad Company, 1 Wall, 491.

A claim cannot be dissected and accepted or rejected piecemeal, but must stand or fall together, see **ex parte** Smith, 1 O. G. 403. A claim may be valid for what it claims, though it does not claim the full invention, see Wilson vs. Coon, 19 O. G., 482; but a claim exceeding the limits of the actual invention is void, see Milligan vs. Lalance & Grosjean Mfg. Co., 29 O. G., 367.

When several claims are present in the specification, the presence of a void claim does not affect those which are good, unless there is an evident intention to mislead the public, or an unreasonable delay in filing a disclaimer, see Tyler vs. Galloway, 22 O. G. 2072; Christiman vs. Rumsey, 17 O. G. 903; Burdett vs. Estey, 15 O. G. 877.

HOW TO OBTAIN PATENTS

Anyone having a device which he wishes protected by patent, should send me a comprehensive sketch, photograph, drawing, or model, together with a description. He should describe his invention in his own way and not endeavor to follow set forms. If the invention be complicated he should designate the operative parts in the sketch, drawing or photograph or model, by letters or numerals and refer to them in the same way in his description. The more complete the sketch the better I will be able to understand the invention.

A model is not required by the Patent Office, but it will often enable me to arrive at a clear understanding of a complicated invention in the shortest possible time. It is also useful in illustrating an invention. It need not be a working model. If an inventor has a model it would be best to send it to me by express or mail prepaid. **Inventors should take special care to mark their models plainly with their names and addresses in order that I may identify them.**

He should mention the countries in which he desires to secure patents and remit the advance fee (see page 5). (†) On receipt of this remittance and a description and drawing, or model (a search not being desired by the applicant), I promptly prepare the application papers, and forward them to the inventor for approval and execution.

If the papers are satisfactory, they should be formally executed and returned to me without delay. The balance of my fee should accompany the executed papers.

The cost of preparing and filing an application for patent is stated in the schedule of charges, see page 5 but this fee is only based on a simple application containing one sheet of Patent Office drawings and one thousand words of description in the specification. For each additional sheet of drawing an extra charge is made, see page 21, and for each additional one hundred words of description over the original one thousand of description a fee of $1.00 is charged. This minimum fee covers the complete preparation of the application papers such as the petition, specification, claims, oaths and one sheet of drawing, but it does not include, any oppositions, interferences, prosecutions or appeals.

SENDING ENGINEER TO FACTORY, SHOP, ETC.

I am often called to prepare large cases requiring many sheets of drawings, such cases requiring the presence of my draughtsman at a mill or shop, in order to make the drawings from the machine itself; and in this class of cases I make an extra charge to cover the time of the draughtsman and his travelling expenses.

Don't Delay.—Inventors should file applications for Letters Patent without delay. Patents are awarded to the first inventor, and he is the first inventor who first conceives the idea, puts it into practical form and promptly declares his claim to it.

PATENT APPLIED FOR

The above brand is often found on articles sold on the market, and all applicants for a patent have a right to use it if they wish to engage in the sale of their invention while the application is pending. While I always advise my clients to defer taking any step to introduce their inventions till the patent is secured, because of the danger of giving an advantage to unscrupulous persons, there are certain inventors who seem content to take such risks, and to such I would say: Be sure and put " Patent Pending " or " Patent Applied For " on your invention before introducing it to the market.

†This sum is always required as a guarantee of good faith and is kept as an account on my fee in cases where applicants change their mind after the order is given, and decide not to file their application.

The extensive manufacture and disclosure of your invention, while the application is pending, is likely to cause you to lose the right of obtaning foreign patents thereon, as some one, seeing your invention on the market, may proceed to patent it in foreign countries; for under the practice of some of the countries in Europe, the first applicant, whether the inventor or not, is entitled to the patent. You will have plenty of time, after the patent is formally issued, in which to have samples of the invention made and the invention introduced, and you can do so then with perfect safety.

TIME REQUIRED TO OBTAIN A PATENT

It is quite impossible to give the exact time required to secure the allowance of a patent. It depends on the amount of work in the division of the Patent Office to which the application is referred. There are many divisions, and they are more or less in arrears with their work. Very seldom a patent is granted under three months after the application is placed.

I am very prompt with the preparation of the requisite papers and drawings. Every case is filed at the earliest moment, and is carefully watched until the patent is secured.

COURSE AND TREATMENT OF AN APPLICATION IN THE PATENT OFFICE

When an application is received at the Patent Office, it is first inspected to determine if it is complete, and, if so, it is given a serial number and filing date after which it is sent to that division containing inventions to which the subject-matter set forth in the application relates, where it is placed on file in the order of its receipt, awaiting its regular turn for action.

Owing to the many divisions in the Patent Office, and so different the amount and nature of the work in each, it is impossible for anyone to tell a client exactly when his case will be acted upon after filing; for the time may be anywhere from three to six months, or more.

When the case is reached by the Examiner in charge thereof, an examination is made of the formal portions of the application to see if there are any informalities in the preparation of the same. If any informalities are found, they form the basis of the first action.

The application being in proper form to be considered on its merits, an examination is made of patents already issued in this and other countries, or prior printed publications, caveats, and other pending applications, to ascertain whether or not the claims are allowable or whether they should be rejected in whole or in part in view of the prior state of the art, the decision being embodied in an official communication which is sent to the solicitor having charge of the application.

An experienced attorney who desires to obtain for his client all to which he is entitled, has often a difficult task to perform upon receiving a rejection of the

application; for such rejection may be for lack of invention, generally speaking, for anticipation by existing patents or printed publications, or possibly because the case is not thoroughly understood by the official making the examination.

It is then the duty of the attorney to examine carefully all the reasons which are urged against the granting of the application, to judge of the value of such objections, and to prepare such an amendment, if deemed necessary, as shall overcome such objections, submitting with the same such argument as may be advisable.

After an amendment the application is again considered by the Examiner who may again reject it in whole or in part, applicant's attorney, after each action, being entitled to again amend or present new arguments in behalf of applicant's position.

When the objections raised by the Examiner have been overcome by argument or amendment, the application is allowed.

In the United States Patent Office, after the same claims have been a second time or finally rejected upon the same references, an appeal may be taken from a decision of the Examiner to the Board of Examiners-in-chief, from whose decision an appeal lies to the Commissioner of Patents, and a further appeal lies from the Commissioner to the Court of Appeals for the District of Columbia.

I have found that a careful preparation of the application in the first instance, followed by painstaking and carefully studied amendments, will usually obtain for the inventor all that he is justly entitled to **without recourse to an appeal with its extra expense.**

In some cases, however, applicant may be clearly entitled to the claims which the Examiner refuses.

In such instances, I prepare and prosecute necessary appeals.

My fee covers the preparation and filing of the application, and the adjustment of technical difficulties that may arise in the Patent Office but not the prosecution of an application rejected on prior patents or other anticipations.

UNITED STATES PATENTS

The Act of 1790 created the United States Patent System; and up to the present time over 1,300,000 patents have been issued by the United States Patent Office to inventors residing throughout the world. The total number of patents granted in countries outside the United States numbers in all about 2,700,000.

WHAT PATENTS ARE GRANTED FOR

Patents are granted for a term of seventeen years or any new and useful art or process; machine; manufacture; composition of matter; or a new and useful improvement of any of these, **Provided** the art, machine, manufacture, composition of matter, or improvement was not known nor used by others; and has not been patented or described in any printed publication in this or any foreign country, before the applicant's invention or discovery thereof; and has not been in public use or on sale in the United States for more than two years prior to the application for patent.

A United States patent will not be granted to an inventor who has obtained a foreign patent, unless **his U. S. application be made within twelve months of the date of filing his foreign application.**

Independent separate inventions cannot be included in one patent.

To properly secure protection on a machine and its product, two patents are required, one for the machine, the other for the product.

In filing an application for patent the same must be accompanied by a Government fee of $15.00. The application is then taken up for action and if found allowable, a formal notice of allowance is received stating that you have within six months from the date of this notice of allowance to pay the final Government fee of $20.00. This final Government fee covers the printing of your official Letters Patent so that copies of your patent can be obtained by any one for the sum 10c.

FORFEITURE AND RENEWAL

If the final Government fee of $20.00 is not paid into the Patent Office within six months following date of allowance of patent, the application forfeits, subject to petition for renewal, and such petition may be filed at any time within two years from the date of original allowance of patent. The law provides that the final Government fee for issue of patent may be paid at any time within six months from date of re-allowance. If a case forfeits a second time, or even a

third time, petition for renewal may be filed, provided not more than two years have elapsed counting from original date of allowance. Upon filing of petition for renewal a Government fee of $15.00 must be paid, and my fee is $10.00 for preparation, filing and prosecution, except that if new citations are made by the Patent Office, or claims originally allowed are rejected on any ground necessitating, practically, a re-prosecution of the application for patent, an additional charge consistent with the amount of extra service involved, is of course rendered necessary. However, renewal cases in which necessity for such extra charge arises are not usual.

DIVISION

If the Patent Office requires division in your case it means that the official Examiner in charge thereof holds that your application embodies more than one invention. The law contemplates that but one invention shall be covered in one patent.

I cannot undertake to here make plain the full technical reasons for division. It is sufficient to say that the requirement arises if different elements of the structure of the invention are examinable in different Examining Divisions of the Patent Office, as but one examination as to patentable novelty will be made for one filing fee.

Another ground for division may be based upon a ruling of the Examiner to the effect that two or more elements of the structural combination are not dependent one upon the other for successful operation. For instance: assume that your invention is a vehicle running gear. The brake mechanism may be such as would operate successfully without regard to the form of spindle, reach, or fifth-wheel shown; and the same may be true as to the independent use of each of the other elements. In such cases three divisional applications would have to be filed in order to claim patentable novelty for each of said elements, regardless of the fact that it takes all or the majority of the elements to make a complete running gear.

It is not by any means always possible to forecast official rulings on division, but if in any instance I can, I advise the inventor accordingly so that separate applications may be filed at the outstart, thereby avoiding the delay that would otherwise occur in the prosecution; but unless the prospect of division is unmistakable, I advise the filing of one case at the oustart so that official ruling, clearly defining the lines of division, may be had.

Requirements for division may seem burdensome, yet it is reasonable to assume that if an invention has a range of novelty broad enough to support more than one patent, a correspondingly greater degree of profit should be derived by the inventor. In other words, several patents should bring him more money than one. Moreover, it is unquestionably true that the cost of taking out several patents is trifling compared with the returns to be expected from a good invention, properly and completely patented. Divisional applications of course, require fees independently of the original application, and my quotation

of cost of patent in any original case is manifestly for one patent only, and does not extend to cover any expenses incidental to divisional applications. A divisional application usually costs less than an original application.

I always notify the inventor when division is required, so that he may tell me which one of the inventions he desires retained in the original application. He can at the same time order me to proceed with the divisional application or applications, or this may be deferred until after the prosecution of the original case is terminated. It is best, however, to file divisional application or applications as early as possible, and particularly during the pendency of the original case so as to get the benefit of the filing date thereof.

In all vases where the Examiner rules that division shall be made, I strenuously argue against the requirement if there is any ground for argument.

UNSATISFACTORY PENDING CASES

If you have on file in the Patent Office an application that is not progressing satisfactorily, you should have me make an investigation. As a result, I will give you a full and true report. If I find the case in proper condition, I report to you accordingly. On the other hand, or in my opinion the application had not been properly prepared, or is not being properly prosecuted, I so indicate, and at the same time state to you what my fee will be to take charge of the case, put it in proper condition, and complete its prosecution to a final decision. In order to make the investigation it is necessary for you to sign a Power to Inspect (which I prepare and forward you without charge), and return same to me with fee of $10.00, which is my fee for making such investigation.

INTERFERENCES

United States.— An interference is a proceeding instituted for the purpose of determining the question of priority of invention between two or more parties claiming substantially the same patentable invention. The fact that one of the parties has already obtained a patent will not prevent an interference, for although the Commissioner has no power to cancel a patent, he may grant another patent for the same invention to a person who proves to be the prior inventor.

After the declaration of interference, each party is required to file preliminary statement, which must be sworn to, setting out when he first conceived the invention; first disclosed it to others; first made a drawing or model, and first made a practical test. The testimony of witnesses should be taken to thoroughly cover these points. Each party is bound by the averments contained in his preliminary statement and cannot prove the date of invention to be prior to that set out therein. The case is argued by counsel and decided by the Patent Office on the argument and evidence submitted. The patent is awarded to the first inventor.

I desire to call special attention to a peculiarity in the decisions of the United States Patent Office in interference cases which should be borne in mind

by my clients, many of whom reside in Canada and countries foreign to the United States. In interferences between two or more applications, pending in the United States Patent Office between applicants, one of whom is a resident of the United States and one a resident of a foreign country, the resident of the United States may prove reduction to practice before the date of filing his United States application and obtain the benefit of such earlier date, but the foreign inventor is limited to the date of filing his United States application "The filing of a complete application is a constructive reduction to practice." (Croskey vs. Atterbury Comrs. Decisions 1896, p. 437).

"In the case of an invention made in the United States, the date of conception may be carried back to the instant when the inventor can be shown to have first clearly apprehended his idea of means; in the foreign invention only to the moment when some person to whom the conception was familiar came within the area of the United States. Where both inventive acts have been performed abroad and neither has been patented, the date of the first application in the United States is held to fix the date of first conception; while if one has been patented, the other not, the former has priority; and if both have been patented the date of the first patent is the date of first conception. In all these cases, however, the definition and requisite of the conception remain the same." That is, the mental part of the inventive act must be comple. Robinson on patents, Section 382. "The date of a foreign invention cannot be earlier than the knowledge of the invention by samples or otherwise in the United States." Hovey vs. Hofeland 2. O. G. 493.

Therefore it is important, if my clients are working upon inventions which they intend to patent in the United States, that they file their United States applications at as early a date as possible, so that they may obtain the benefit of such earlier filing date in the event of a possible interference.

I call attention to this matter, not that interferences are frequent, but that I may fully inform those who are interested as to the law covering such cases when they arise.

In my experience, very few of my applications are ever placed in interference with applications filed by others, and in ordinary cases my clients need have but little fear of interference proceedings being instituted. The law on the subject, however, is interesting as applied by the United States Patent Office and Courts, and a knowledge of these decisions may be valuable to my clients.

Experienced counsel is required for the successful conduct of interference cases, as great skill and experience is necessary. Too much care cannot be taken in the preparation of the papers and in the handling of the case from its inception to its termination.

I cannot state with certainty the charges and expenses in interference cases, as they vary with each case.



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Whereas Joseph Merit Gardner,

of

Los Angeles, California,

has presented to the **Commissioner of Patents** a petition praying for the grant of Letters Patent for an alleged new and useful improvement in

Folding Beds,

a description of which invention is contained in the specification of which a copy is hereunto annexed and made a part hereof, and has complied with the various requirements of law in such cases made and provided, and

Whereas upon due examination made the said Claimant is adjudged to be justly entitled to a patent under the law.

Now therefore these **Letters Patent** are to grant unto the said

Joseph Merit Gardner, his heirs or assigns

for the term of Seventeen years from the twenty-seventh day of January, one thousand nine hundred and fourteen,

the exclusive right to make, use and vend the said invention throughout the United States and the Territories thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the Patent Office to be affixed at the City of Washington this twenty-seventh day of January, in the year of our Lord one thousand nine hundred and fourteen, and of the Independence of the United States of America the one hundred and thirty-eighth.

Commissioner of Patents.

REPRODUCTION OF A UNITED STATES PATENT GRANT

APPEALS

United States.— If the Patent Office Examiner refuses to allow a patent, three distinct appeals are made available to the applicant, namely:—

First—An appeal from the Primary Examiner to the Board of Examiners-in-chief, which is a tribunal composed of five experienced Examiners. This tribunal carefully reviews the record of the application, and either affirms or reverses the decision of the Primary Examiner.

Second—In the event of an adverse decision of the Board of Examiners-in-chief, appeal may be taken to the Commissioner of Patents in person.

Third—From the adverse decision of the Commissioner of Patents, an appeal may be taken to the Court of Appeals of the District of Columbia. The expense of this last appeal is considerable.

PERPETUAL MOTION

On machines which involve the perpetual-motion fallacy, the Patent Office has for a number of years consistently refused to grand patents. I am in thorough accord with this practice, as neither I or the Patent Office can be convinced from a drawing, or non-working machine, that perpetual motion is anything but a theory.

All machines or apparatus purporting to create their own energy from the power expended, whereby the same will run "until stopped or broken," as some inventors express it, are classed as perpetual-motion inventions, and the Patent Office Examiner will not even consider an application for patent based on such a theory without a working machine. Consequently, I strenuously advise inventors of such machines not to file applications for patents until they have first demonstrated the invention by a full-sized working machine.

CANADA

Up to the present time the Canadian Patent Office has granted over 200,000 patents to inventors residing throughout the world, and about 70% of the patents issued in recent years have been granted to citizens of the United States,

During the year of 1918, 7042 patents were granted by the United States Patent Office to inventors residing in the Dominion of Canada.

NOTES ON PATENT LAWS

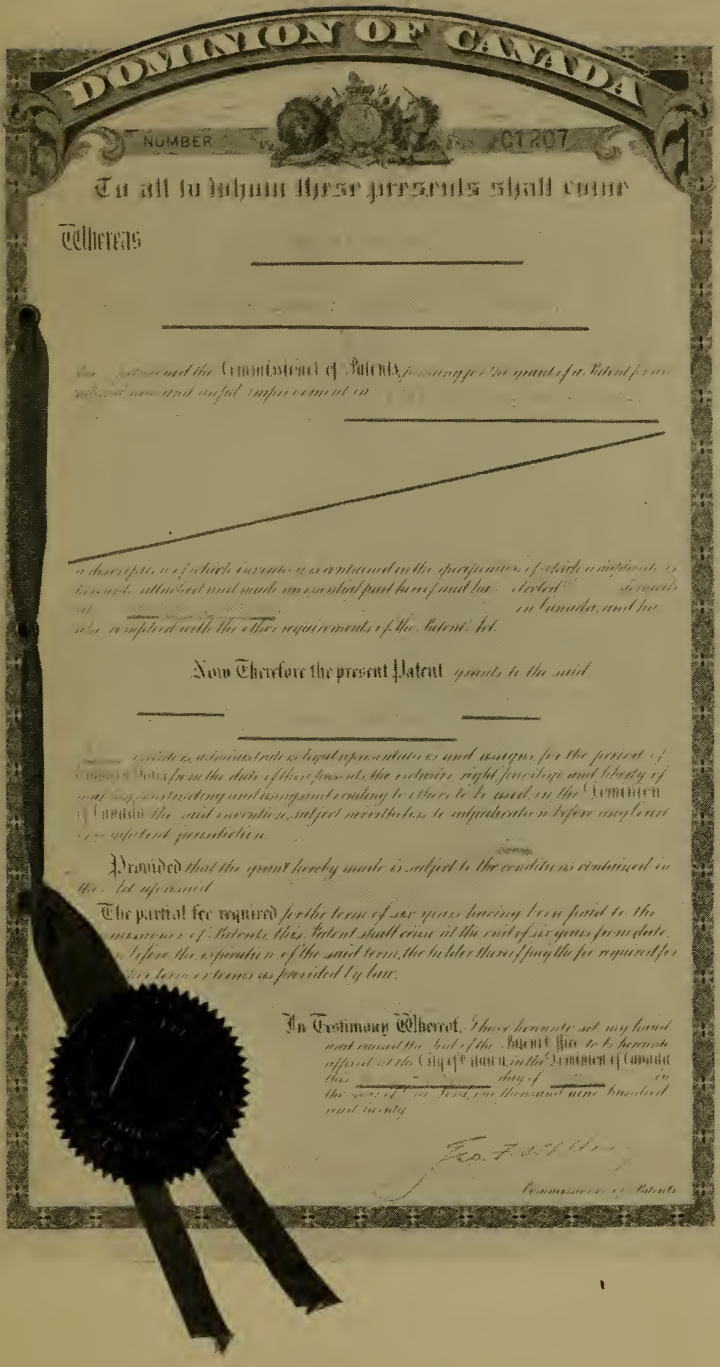
WHO MAY BE PATENTEE.— The actual and true inventor, his assigns or his legal representatives. Joint inventors may obtain a joint patent. The patent may be issued to the inventor alone, or to the inventor and his assignees, or to his assignees alone, but the inventor must sign the papers in all cases, if he be alive. If the inventor be dead, his assignee or legal representative may sign, stating in the oath that he believes that the inventor was the true and first inventor.

PATENTS, KIND AND TERM.— Patents of Invention are granted for eighteen years, subject to the payment of prescribed fees and proper working of the invention. Extensions can only be obtained by special legislative act. Caveats may be filed by any intending applicant for a patent who has not yet perfected his invention, and the same will remain in force for one year.

NOVELTY, EFFECT OR PRIOR PATENT OR PUBLICATION.— To obtain a valid patent, the application must be filed before the invention has been in public use or on sale anywhere, with the consent or allowance of the inventor thereof, for more than one year, and in case a foreign patent for the same invention exists, before the expiration of twelve months from the date of such foreign patent. Section 17 of the law empowers the Commissioner of Patents to object to the grant of a patent for an invention which has been described in a book or other printed publication before the date of the application, or that is otherwise in possession of the public.

ARBITRATION.— In Canada the question of priority of invention is decided by arbitration or by the Exchequer Court. If by arbitration, the parties thereto share the costs; if by the Exchequer Court, the loser generally pays the costs.

APPEALS.— When an Examiner refuses to allow a patent, the applicant may appeal to the Commissioner (generally represented by his Deputy, and if the Commissioner also refuses, may further appeal to the Exchequer Court.


DOMINION OF CANADA

NUMBER CL207

To all to whom these presents shall come

Whereas

the Commissioner of Patents

REPRODUCTION OF A CANADIAN PATENT GRANT

The cost of this appeal varies with the circumstances of each case; the minimum charge being $100.00.

In filing an application for patent the same must be accompanied by a Government fee of $15.00. The application is then taken up for action and if found allowable, a formal notice of allowance is received stating that you have within six months from the date of this notice of allowance to pay the final Government fee of $20.00. The patent after issued runs for the full term of 18 years.

WORKING.— The patent will be void at the end of two years, unless within that period the working of the invention shall have been commenced; and, after such commencement the construction or manufacture of the invention must be continuously carried on in Canada, in such manner that any person desiring to use it may obtain it, or cause it to be made for him, at a reasonable price, at some manufactory or establishment for making or constructing it in Canada. This term of two years may, in special cases, be extended upon application, which must be made not more than three months before the expiration of the two-year period, and must contain a statement under oath of the reasons upon which the application is based.

It is considered by good authorities that the actual and continuous manufacture of the patented invention is not necessary to constitute a legal working, and it is still the practice to work the patent by corresponding with agents or manufacturers who would probably be interested in the patent, and then to advertise the patent.

I correspond with manufacturers, agents, etc., insert the required advertisement in French and English newspapers, and furnish marked copies of papers containing the advertisement for a sum of $35.00.

EXTENSION OF TIME TO MANUFACTURE.— In exceptional cases, when it has been impossible for the owner of the patent to manufacture within two years, it is possible to obtain an extension of from six months to a year.

The matter must be taken before the Commissioner by petition and argued orally.

Sworn affidavits concerning all facts of the petition are required. Very few of these extensions are granted.

My charge in these matters is $35.00 or more according to the time and work involved and the nature of the case.

COMPULSORY LICENSE SYSTEM.— The proprietor of a Canadian patent may, within six months from date of same, apply for an order from the Commissioner of Patents, relieving him of the obligation to manufacture the patented invention, and subjecting him instead to conditions of Compulsory License.

My charge for preparing, filing and prosecuting a petition for a Compulsory License is $10.00.

MARKING PATENTED ARTICLES.— Patented articles must be marked or stamped with the words " Patented " together with the year of the date of the patent; as, for instance, " Patented 1920," as the case may be.

IMPORTATION OF PATENTED ARTICLES.— If the patentee or his assigns, or his or their representatives, after the expiration of **twelve months** from the grant of the patent (or any authorized extension of this time), imports the invention or causes the same to be imported into Canada, the patent will become void as to the interest of the person or persons so causing the invention to be imported. The term for importing may, in exceptional cases, be extended for a further period of one year, by making proper application.

My Fee for preparing, filing and prosecuting a petition for an extension of time to import, is $35.00 or more, according to the time and work involved.

The cost of preparing and filing an application for patents in Canada is stated in the schedule of charges, see page 5, but this fee is only based on a simple application containing but one sheet of Patent Office drawings, and one thousand words of description in the specification. For each additional sheet of drawing an extra charge is made, see page 22, and for each additional one hundred words of description over the original one thousand words of description a fee of $1.00 is charged. This minimum fee covers the complete preparation of the application papers such as the petition, specification, claims, oaths and one sheet of drawing, but it does not include any oppositions, interferences, prosecutions or appeals.

CAVEATS

Canada.— A caveat is a notice to the Patent Office of the applicant's claim as inventor in order to prevent the grand of a patent to another person for the same invention without notice to the caveator. It comprises a petition, specification oath, and when the nature of the case will admit, a drawing. It must be limited to a single invention or improvement. Canadian caveats are granted to citizens or subjects of any country.

Whenever an inventor has conceived a general idea of an invention or improvement but requires time to perfect and mature the device or to complete its details, he should file a caveat to insure protection. Caveats are kept in the secret archives of the Patent Office, and afford protection for one year. They may be renewed at the end of the year for an additional year, and so on. A renewal fee must be paid in each instance. After a caveat has expired, if not renewed, it loses its protective effect.

The same exactness of description is not required in a caveat as in an application for patent, but the caveat must set forth with sufficient precision the object of the invention and its distinguishing characteristics.

The caveat does not enable the inventor to prevent other parties making, using, or selling the invention (a patent alone does this), and the fees paid

thereon will not be applied as part fees for the seubsequent application for patent.

Caveats are not assignable, but the inventions covered by them may be assigned.

ASSIGNMENTS, Etc.

An inventor may have the Patent for his invention issued jointly to himself and another party or parties, or solely to such party or parties, by executing and registering in the Patent Office, before the issue of the Patent, a suitable assignment.

Care is required in the preparation of assignments of Patents, especially as some of the published forms are seriously defective.

Assignments, special agreements, licenses and other such documents require special knowledge and care in their preparation, and many inventors and licensees have found themselves deprived of their rights through carelessness in not seeing that such papers must be drawn up by competent practitioners.

All assignments made after the issue of a Patent should be promptly registered by the assignee in the Patent Office, so as to avoid any trouble through prior registration of a subsequent assignment.

My charge for preparing and registering an ordinary assignment is $5.00.

The Patent Office will not undertake to settle disputes among conflicting assignees, but will leave the parties to their remedy in the courts. 183 O. G., 781 (1912).

The Patent Office cannot undertake to adjudicate the rights of parties on disputed questions of fact relating to assignments, since it acts in a ministerial capacity in such matters. Turner 100 O. G. 2603; 1912 C. C. 329.

ROYALTIES AND LICENSES

Royalty means a certain sum of money paid for the privilege of manufacturing or producing an article protected by a patent or copyright. The usual plan is to pay a designated amount on each article or number of articles made.

Under what are usually called "licenses" a like privilege in a particular town, city, country, or state, is granted in consideration of a definite sum. Licenses should be written or printed and properly signed. The words royalty and license are frequently used to indicate the same thing.

Granting the right to manufacture or produce on royalty is frequently preferred to the outright sale of a patent, as it usually brings in a constant and increasing revenue. My charge for preparing royalty deeds and licenses is generally $25.00.

OPPOSITION

REJECTED CASES (Canada and United States)

The law upon the subject of patenting inventions is not always liberally construed; and the technical rules thereunder evolved and applied by the scrutinizing officials of the Patent Office—each of his own interpretation—are usually strict and, sometimes, harsh; and the actions of the Office under these rules are, of necessity—on account of the great press of work—of the shortest and most decisive character, and are often utterly incomprehensible to the applicant, in whose mind the deciding officials is pictured as a man whose time is unlimited, whose patience is inexhaustible, and whose learning, wisdom and sound judgment are not to be questioned.

Inventors are usually modest; and often would hesitate to bring their devices to the notice of the Patent Office were it not that they are spurred on by their friends. When, therefore, an official letter is received stating, curtly, that the invention claimed is anticipated by the patents of " Brown " and " Smith " in view of the patent to " Jones," and that the application is therefore rejected and a patent refused,— the applicant is apt to say to himself, " That settles it. I thought my invention was a good thing, and new and worthy of a patent; but if the Commissioner writes in that way about it, of course, I shall give it up."

But suppose the applicant has some curiosity; or has received encouragement from some one who knows of his invention; and, after examining the grounds of rejection, finds that his machine is shown in no one of the patents referred to, and writes to the office to that effect. If, in reply, he should get a letter stating that " Smith shows a wheel like his, and Brown a receptacle," which, taken in view of the levers shown in Jones' patent for " a full anticipation of his supposed invention; that while it is true, a difference exists, it is colorable only, is within the province of the mechanic, and does not rise to the dignity of invention, and that his application is, therefore, a second time rejected,"— would it not be natural for him to feel very small, and utterly quenched, by this dictum of the great Patent Office?

Official actions of this character are quite common, and difficult to handle.

The law, as construed in the courts, and exhaustively discussed in cases laid open in full view of the state of the art, does not authorize the Office to grant a patent on a device because it is novel. The judicial requirement is, that the device must have been **invented**—that is, must possess invention. One of the most useful articles ever put on the market is the rubber-tipped lead pencil, and yet the patent for it, on suit in court, was declared of no force—

because **there was no invention in the device.** Considering the usefulness and success of this meritorious conjunction, it is not impossible to believe that, if court could decide on the validity of the patent, it would reverse the former opinion. But, unfortunately, the court was of last resort, and the decision remains, and takes its share in guiding the officials of the Patent Office in their work upon new applications—each examiner applying the precedent as his mental equipment may dictate.

And the office holds that before a patent can be granted upon an invention, it must appear to be "sufficiently useful and important," as required by the statute. Who is the judge of this? The examiner alone decides it—each for himself— and as there are numerous examiners, each having his own special class of inventions, it is obvious that the amount of "usefulness and importance" required in different cases will vary as widely as the mental characteristics of the examiners themselves.

The doctrine of "double use" is fruitful of rejections of applications for patent. It has been decided by high authority that "a new application of an old device can be pronounced 'a double use' only when it is used in substantially the same way, or with no modification which requires more than ordinary skill;" and that "when **adaptation** is required to secure the new result, invention is presumed; and the new organization may be patented." Where is the judge who decides whether the modification requires **more than ordinary** skill, or whether there is or is not adaptation? These questions are decided in the mind of the examiner — technically well versed in the state of the art, but, as a rule, without practical experience to any extent in the line whereon his decision is made. The province of mechanical skill varies in its scope with each examiner; and it often varies in the same examiner, with reference to inventions in different arts under his division in the Patent Office. "Adaptation"—often the main feature of invention—may receive but little consideration, until its bearing is forcibly pointed out by some one skilled in the art.

Mr. Justice Blatchford, one of the most able jurists, who has had very extended experience in patent cases, said this: "There is scarcely a patent granted that does not involve the application of an old thing to a new use; and that does not, in one sense, fail to involve anything else, but the merit consists in being the first to make the application, and the first to show ho it can be made, and the first to show that there is utility in making it."

It is commonly supposed that a simple device is easily patented. It will be readily seen that it is an erroneous idea. It is very difficult to see **invention** in a simple solution of a difficulty, after the plan of solution has been pointed out. A complicated solution requires study, and therefore appears more meritorious, whereas the contrary is true, and it should be so recognized.

Other difficulties meet the inventor in prosecuting his application as to whether his claim presents a true **combination** which is patentable as an invention, or is merely an **aggregation,** involving good judgment.

A **combination** has been defined to be "a union, in one thing, of several

elements." **An aggrégation** is "an assemblage of parts which have no mutual operation upon each other." The former, if novel, is usually held to be patentable, while a claim to the latter is not regarded, under the present practice, as patentable.

So, also, a claim may be regarded as being technically, "functional," or it may be "vague," or the drawings may be "insufficient" or incorrect. Very often neither the inventor nor his attorney can understand drawings, and they rely upon the work of an ordinary draughtsman who has no idea of the matter further than to follow (often incorrectly) a crude model or sketch. When such a drawing comes before an official examiner, it may be readily seen that there will be "insufficiency" found somewhere. The Patent Examiner studies over the device and finally concludes that, **as drawn,** "the thing won't work." The inventor **knows** that the thing itself **will** work. The attorney, if no engineer, may be divided in opinion; and for the draughtsman himself, he knows nothing about it whatever.

These and many other difficulties, especially those mentioned on pages 38 to 39, must be carefully avoided.

In fact, the technical requirements of the Office are numerous, and many of them difficult of comprehension by the general public. It is rare than an inventor can so prepare his specifications and drawings as to meet these requirements; and if he should, happily, pass through the reefs of informality, he may be shipwrecked at last through the operation of an unsound claim.

If, therefore, one has made an invention of sound character, and his application for patent has been rejected or adversely received, he should remember that the Office does not pretend to be infallible, and that its examiners are overburdened with work. He should, therefore, have the matter looked into by competent counsel, and he will, as a rule, obtain all that the examiner, in his discretion, upon a proper showing can give him.

My charge for replying to the examiner's objections, as above, is $30.00 and up, according to the amount of work involved.

REISSUES

A reissue is granted whenever the original patent is inoperative or invalid by reason of an insufficient or defective specification, provided the error has arisen through inadvertence, accident, or mistake, without any fraudulent intent.

The Supreme Court of the United States has decided that it is now well-settled law that to warrant new or broaded claims in a reissue, such claims must not only be indicated in the original application, but it must further appear (1) that they constituted a part of the original invention, and (2) were sought and intended to be covered or secured by the original patent.

(Corbin Lock Co. vs. Eagle Lock Co., 65 O. G., 1066.)

This is an accord with the decision of the Supreme Court in Mahn vs. Hanwood, 30 O. G., p. 657, that " the claim actually made operates in law as a disclaimer of what is not claimed."

In fact, the tenor of all the recent decisions only emphasizes more and more strongly, the necessity of careful and skillful preparation and prosecution of the original application. Inventors should bear this in mind when they are tempted to employ any attorney whose chief recommendation is that he will do the work for a low fee. Cheap services are the most costly in the end. Rule 17 of the Official Rules of Practice contains the following:

"An applicant is advised to employ a competent attorney, as the value of patents depends largely upon the skillful preparation of the specification and claims."

INFRINGEMENTS, ETC.

Infringement, as that word is used in patent litigation, is defined as consisting in the **use, sale or manufacture** of something already patented, to the injury of the patentee; and the question of infringement is involved in almost all such litigation.

The granting of a patent does not insure that the invention covered thereby can be made without infringing a prior patent, as an improvement may be novel and therefore entitled to a patent, and still it may be impossible to manufacture the improvement without making use of another patented device.

The Patent Office has no jurisdiction in infringement cases. They are particularly for the Courts. There can be no infringement until the patent issues, as it is the patent which is infringed and not the invention. Nor can there be an infringement of an expired patent as the public has the right to make use of it; nor of an invalid patent.

Before beginning a suit for infringement the complaining party should have a thorough investigation of the Patent Office records made, and its patents carefully examined, to ascertain if he can sustain his suit. Expensive and disastrous litigation can often be prevented in this way; or, if suit is commenced, it is with reasonable assurances of success.

Every patentee or manufacturer, before investing in costly machinery, or buying an extensive plant for the manufacture of a patented article, should know whether he is liable to be closed up by an injunction and held responsible in damages at the suit of a prior patentee. And this information can only be ascertained by an " infringement search " of the Patent Office records. All analogous prior patents must be examined and carefully considered in relation to the patent under investigation. This examination should only be made by experienced and skilful patent solicitors, as fortunes may depend upon their decision.

I am prepared to make these searches and examinations in a most thorough manner and to give reliable and trustworthy opinions. My charges are moderate.

My charges for infringement and validity searches are based on the time involved and the character of the patent or device in question; usually at the rate of $50.00 per day and expenses.

For giving expert testimony in court, preparing briefs, consulting with lawyers or clients, and services of the same general nature, my charges are the same as above.

COPIES OF PATENTS

Printed copies of patents are obtainable in due course in the following countries. A printed copy is issued in each Patent Deed. I obtain and send copies (number and year being given me), including postage, at the following rates:—

United States	$0.15	Australia	$1.00
Great Britain	0.50	Hungary	1,00
France	0.75	Sweden	1.00
Germany	0.75	Norway	1.00
Switzerland	0.75	Denmark	1.00
Russia	1.00		

In other countries manuscript copies according to length.

Canadian Patents are not printed by the Government, and the cost of a manuscript copy of specification and drawing is generally $4.00. Estimates of cost furnished upon receipt of the number of the patent of which a copy is desired.

If the patentee's name, the date of the patent, or its number are unknown, I will, if desired, carefully search for the patent described in the order, but I must have before me, in making such a search, a print or illustration of the invention. For the time occupied in making this search I generally charge $5.00.

All payments for copies of patents must be made in advance, as I cannot send them C. O. D. Much time will be saved if these instructions are carefully followed.

WHAT IS MY INVENTION WORTH?

This question is often asked by those who mistakenly suppose I am an expert in commercial and industrial matters. The value of an invention can never be foretold, and a patent attorney should not be asked to answer this question. I do not give opinions in regard to the value of inventions. I confine my opinion to questions I am competent to answer—patentability, scope, novelty, claims, etc. There is no standard for estimating the commercial value of a patent. No two are alike; no two can be handled alike; the market for no two is the same, and every invention is necessarily an experiment and an unknown quantity in the commercial and industrial field. Some things that have come to my offices which I thought valuable have turned to be valueless, while others which appeared trivial have proven, through judicious management, of great value to the owners. The value of a patent frequently depends more on judg-

ment and energy in management than upon the invention itself. This, however, is true of every species of property. Men may make or lose money on patents as well as on farms, factories and gold mines.

WARNING TO PATENTEES

No sooner does any person's name appear in print as the patentee of a new invention, than he receives by mail a shower of letters and circulars from a gang of patent knaves. The patentee is invited, if he wants to realise immediately, say one thousand, two thousand, or ten thousand dollars, to send forward to the agent **a small advance fee.** Thus, instead of helping the patentee to obtain money, they begin by drawing money from him; upon this they live and flourish. I am often asked if these-imposters, who so pressingly and plausibly claim to be able to sell patents, are reliable, and whether they ever effect sales. I regret to be obliged to say they are unreliable, and I am unable to learn of their making any sales. There are about forty thousand new patentees every year, from many of whom these patent sale agents obtain money under false pretences. They busy themselves in writing letters to inventors and in working them up to the remitting point, but have no time left for the drudgery of patent-selling, even if they had any ability in that direction. There is no trickery too low for some of these persons, and no end to the falsehoods they tell. I do not sell patents, nor have I connections with any concern that pretends to do so. My advice to patentees is: Beware of these fellows, and take upon yourselves the business of selling.

If the invention is one of importance in the arts, or of such a nature that its originality and usefulness are seen at a glance, evidently answering to public want, the patentees will be able, without much effort, to make advantageous arrangements for the sale and introduction. Such are quick-selling patents.

With the slow-selling patents the case is different. There is no easy and royal road to the sale. It requires active effort and constant attention until it is effected. In general the patentee himself is the best selling agent, for he is familiar with the merits of the invention.

To make the merits and importance of the improvement **publicly known** often effects the sale of the patent. This may be done in various ways; by advertisements in newspapers, by cards, circulars, pamphlets, etc., or by local and travelling agents.

Advertising should be done by the patentee, in his own name and address. He thus makes the invention know to the public, receives the direct benefit of all replies, and his money does not go into the pockets of swindlers.

I DO NOT BUY OR SELL PATENTS

but confine my business strictly to the subjects mentioned in this pamphlet. Neither can I procure partners for inventors. The most I can do is to secure patents according to the terms explained in this pamphlet. By giving my time

exclusively to procuring patents, and to causes in court involving patent law, I can reasonably claim to do better work than if I had a side speculation in selling, buying or advertising patents.

I avoid acquiring an ownership in any matter which might prove antagonistic to the interests of my clients; for instance, if you are on the point of securing a patent on an invention, you would not care to entrust it to an attorney who has an interest in an invention intended for similar purpose, and which might compete with yours in the market. Being entirely free, I am in the best possible position to be fair to all.

HOW TO SECURE CAPITAL

Shoud you lack the necessary funds to file an application, you can easily secure the required amount by entering into an agreement with one or more friends or other persons in your vicinity.

The grant of an interest in the patent to be secured, or the sale of a township or country right, will generally be sufficient inducement for them to furnish the sum required. An agreement, as follows, will generally be sufficient:—

WHEREAS I....., of.....have invented new and useful improvements in..... for which I am about to apply for Letters Patent.

AND WHEREAS.....has advanced the sum of.....and has agreed to pay all expenses connected with procuring said Letters Patent:

NOW, THEREFORE, in consideration thereof, I hereby sell, grant and convey unto the said.....and to his heirs and assigns, a license to make, use, and sell the invention within the limits of the county of state of....., for and during the full term.... for which said letters patent are or may be granted. *Witness my hand and seal, the.....day of.....A.D. 19....

In presence of

....."

.....

ABOUT SELLING PATENTS

While I have had no experience in selling patents, I have been brought into contact with inventors who have been successful in selling them, and for the benefit of many inquirers I submit a few hints which I hope may be useful.

*If further inducement is desirable, the following may be inserted:

"And I do hereby further agree that all of the net profits by me in any manner made or received from the said invention and patent shall belong to and shall be delivered unto the said..... until he shall have received back the said sum of..... with lawful interest thereon."

1. Have a substantial model made, one that will show your invention in its best light. Do not employ a stranger, or a firm in a distant city to make your model, but have it made at your end of the line and under your supervision.

2. In all cases where an invention can be advantageously represented by engravings, the patentee should have them made, to be used on bill-heads, letters, pamphlets and circulars. He should, however, remember that it is bad economy to have poor pictures. There are firms in all large cities who make engravings.

3. If you have a chance to sell a town-right or shop-right, do so, no matter if you get little or nothing for it. The purchaser of this town-right or shop-right may, by his industry and good judgment pave the way for your future success. At any rate, you will have gained his services in your behalf and, at least have made a start, while you will still have plenty of territory in reserve. Others may become interested and purchase rights, and once the public sees the worth of your invention, success is assured.

5. I know of many inventors who have made money by simply selling farm, county, State and shop-rights, and if an inventor does not wish to undertake the manufacture of his invention this is a very desirable course to pursue. In estimating the value of patent rights for different states, counties, etc., one very common method is to fix the prices with reference to the population.

The license and royalty plan is often the most profitable method of selling patents. This, in effect, involves a contract between a patentee and a manufacturer by which the latter, in consideration of a license to manufacture the articles, agrees to pay the patentee a specified sum for each article made or sold, and warrants to sell a certain number each year.

Do not make the mistake of supposing that a patent is a fortune in itself. Success with a patent will, like success with a farm, a factory or gold mine, depend on management.

Finally, do not refuse any reasonable cash offer, but accept it, letting the buyer take the chances of proving the invention a financial success.

PATENTS FOR RECIPES, USEFUL MIXTURES, ETC.

New and useful compounds and mixtures, recipes, etc., may be patented in the compounding of the same involves invention. A minute statement must be given of the exact proportions, methods and ingredients used in making a given quantity of the new article.

At the present time it is almost impossible to secure U. S. patents for medicines, and I therefore advise my clients to register Trade Marks instead.

TRADE-MARKS

UNITED STATES.—A trade-mark or name may be registered by any person, firm, corporation or association who is the owner of such trade-mark; provided it does not comprise immoral or scandalous matter; or consist of the flag or coat of arms or other insignia of the United States or any country; or comprise any design or picture adapted by any fraternal society as its emblem; or which mark is identical or nearly resembles a registered or known trade-mark as to be likely to cause confusion or mistake in the mind of the public or deceive purchasers; or which merely consists of the name of an individual, firm or corporation or association not written, printed, impressed or woven in some particular or distinctive manner, or in association with a portrait of the individual; or merely in words or devices which are descriptive of the goods with which they are used; or merely a geographical name or term; or a portrait of a living individual without such living individual's consent.

Under the act of March 1920 any trade-mark which has been in bona fide use for not less than one year in interstate or foreign commerce with the exception of those specified in paragraphs (a) and (b) of the act of February 20, 1905 may be registered.

The act of March 1920 also gives effect to certain provisions of the convention for he protection of trade-marks and commercial names known as the Buenos-Aires Convention.

As a result of this convention an American International Bureau for the protection of trade-marks was established at Havana, Cuba, whereby the United States proprietors of trade-marks may, by the filing of a single application, secure joint registration of their trade-mark in any of the groups of American countries as follows:

Northern Group	Southern Group
Costa Rica	Argentine
Cuba	Bolivia
Guatemala	Brazil
Haiti	Chile
Honduras	Colombia
Nicaragua	Ecuador
Panama	Paraguay
Santa Domingo	Peru
Mexico	Uruguay
Salvador	Venezuela
United States of America.	

A trade-mark must be in use before registration can be obtained, but if you have a proposed trade-mark I can make a preliminary examination of the Patent Office records to ascertain if a similar trade-mark is registered and also advise you as to possibility of securing registration. Cost $10.

When making application for registration of a trade-mark it is necessary that I be supplied with at least six facsimiles or speciments of the trade-mark as it is actually used upon the goods, how long it has been in use, the complete name and business address of the proprietor, the name of the goods to which the trade-mark is applied and how it is applied to the goods.

If the proprietor is a corporation, I must be informed of the name of the state under which laws it was incorporated, the name of the person who will sign the declaration and his position with the corporation.

If the proprietor be a firm then I must be informed of the complete names and addresses of all the members and the name of the member who will sign the declaration.

A trade-mark registration is granted for a term of twenty years and may be renewed for a further term.

The cost of registering a trade mark is usually $50 which amount includes the government fee of $10, drawing fee and my attorney's fee.

TRADE-MARK OPPOSITION

It is further provided that before granting registration the Commissioner shall cause the trade-mark to be published at least once in the Official Gazette of the Patent Office, and any person who believes that he would be damaged by the registration may oppose the same by filing notice of opposition, stating the ground thereof, within thirty days after the publication of the mark sought to be registered.

The latter provision enables the true owner of the trade-mark to prevent his right to its exclusive use from being jeopardized by the registration of the same or a similar mark by an applicant who may not be entitled to registration.

Appeals may be taken in trade-mark cases from an adverse decision of the examiner of trade-marks or the examiner of interferences, as the case may be, to the Commissioner in person, and from the Commissioner to the Court of Appeals of the District of Columbia.

Registration will afford prima facie evidence of ownership, and any person using any registered trade-mark without the consent of the owner thereof will be liable for damages, and on the rendition of a verdict for the plaintiff the court, in its discretion, may enter judgment for three times the amount of such verdit.

The above law affords additional remedies and more complete and adequate protection, and in order to give the owners of trade-marks previously registered the enlarged benefits under the above law, the act makes provision for the registration of said trade-marks upon payment of the fees.

Provision is made for the first time for registering trade-marks used solely in interstate commerce, and the above law is so far-reaching and complete that registration of a trade symbol or mark will prove of great value from a commercial standpoint.

CANADA.—A trade-mark, within the meaning of the Act, is a **distinctive and arbitrary mark** used by anyone to distinguish his goods from those of other people, and may be applied either to the article itself or to a box or receptacle for containing the same.

In Canada, trade-marks are under two heads: **Specific and General.**

A **General** trade-mark is one used in connection with the sale of the various articles in which the proprietor deals in his trade, business, occupation or calling generally, and its term of registration is of unlimited duration. Cost: government fee $30.00, my fee $20.00, total $50.00.

If registration is refused the government fee is refunded less $5.00. My charge for obtaining the refund is $5.00.

A **Specific** trade-mark is one used in connection with the sale of a particular class of merchandise. Its term of registration is limited to twenty-five years, but may be renewed before the expiration of that period for a further term of twenty-five years, and so on. Cost: government fee $25.00; my fee $20.00, total $45.00.

If registration s refused, the government fee is refunded, less $5.00. My charge for obtaining this refund is $5.00.

It should be noted that mere descriptive words of quality and the like used in their ordinary signification, may not be registered as a trade-mark, nor may geographical terms when descriptive of the place of manufacture.

Trade-marks may be registered by any person, firm or corporation entitled to the exclusive use thereof, whether resident in Canada or not, and no suit for infringement is maintainable until a trade-mark is registered.

All registered trade-marks are assignable in Canada, and such assignments should be registered at Ottawa, in the Department of Agriculture (Trade-mark and Copyright Branch). The time ordinarily required to register a trade-mark in Canada is one month.

PRINTS AND LABELS

CANADA.— In Canada, labels are protected by trade-marks.

UNITED STATES.—An Act of Congress provides that prints and labels may be registered in the United States Patent Office.

By the word " print " is meant any device, picture, word or words, figure or figures (not a trade-mark), which is impressed or stamped directly upon the articles of manufacture to denote the name of the manufacturer or place of manufacture, style of goods, or other matter.

By the word "label" is meant a slip or piece of paper or other material to be attached in any manner to manufactured articles, or to bottles, boxes, or packages containing them and bearing an inscription (not a trade-mark), as the name of the manufacturer or the place of manufacture, the quality of goods, directions for use, etc. Ten copies of each print or label must be filed with the application, one of which will be returned certified to under the seal of the Commissioner of Patents. Such registration will continue in force for twenty-eight years. The total cost for obtaining a certificate of registration is $20.00. Registered prints and labels are assignable in writing. I prepare such assignments. Cost of preparation and recording, $5.00.

DESIGN PATENTS

UNITED STATES.— The laws covering the granting of patents for new designs are of the most liberal and comprehensive character.

A patent for a design may be granted to any person, who has invented or produced any new and original design for the printing of woolen, silk, cotton, or other fabrics; or any new and orginal impression, ornament, pattern, print or picture to be printed, painted, cast or otherwise placed on or worked into any article of manufacture; or any new, useful and ornamental shape or configuration of any article of manufacture.

Design patents are not granted for mechanical or other inventions. The patentee of a machine may, in addition to the protection of his mechanical patent, also obtain a design patent upon any new ornaments or ornamental forms on his device.

The total cost of a design patent including an ordinary sheet of drawings is, in the United States:

Patent for three and a half years.....	$35.00
Patent for seven years.....	40.00
Patent for fourteen years.....	55.00

Anyone desiring to secure a design patent should send full name and sketch or model of design accompanied by the requisite fee and information as to the length of time for which patent is desired.

CANADA.— Designs may be registered for a term of five years, renewable for a further term of five years, if such application be made before the expiry of the original term.

My total charge for registering a design is $30.00 including 1 sheet of drawings and government fee of $5.00 (for five years).

The Canadian law exacts that every design, in order to be protected, must be registered **before** publication, and that after registration, the name of the proprietor, the letters " Rd ' and the year of registration shall appear on all articles protected by design patents, such as " Rd. 1919, by John Smith."

The applicant for a design patent must be a **resident of Canada.**

Penalties are provided for the fraudulent marking, as registered, of any article which is not registered.

COPYRIGHTS

CANADA.— New books, maps, charts, musical compositions, paintings, drawings, statues, sculptures, photographs, prints, engravings, etchings, etc., may be protected by copyright.

Any person domiciled in Canada, or in any part of the British possessions, or any citizen of any country which has an international copyright treaty with the United Kingdom, may obtain a copyright in Canada.

The condition of obtaining such copyright is: " That the said literary, scientific, or artistic works shall be printed and published, or re-printed and republished in Canada, or in the case of works of art, that they shall be produced or re-produced in Canada whether they are so published or reproduced for the first time, or contemporaneously with or subsequent to publication or production elsewhere, but in no case shall the exclusive right in Canada continue to exist after it has expired elsewhere."

In this section, " printed " and " publish " are to be taken as synonymous.

The term of copyright registration is 28 years, but may be extended for 15 years further on a second registration of the title within a year before the expiration of the first term, of which renewal notice must be given in the **Canada Gazette.**

To secure a Canadian copyright, send us four bound copies of your books with stiff covers, or four copies mounted on linen of any map, chart, drawing, photograph, or print.

The cost of preparing and filing an application for a Canadian copyright is $10.00, including the Government fee.

UNITED STATES.—Copyrights are granted to authors, inventors or proprietors of any book, map, chart, dramatic or musical compositi n, engraving, cut, print, photograph, painting, drawing, statuary, etc., for the term of 28 years.

The method of procedure is to record the printed title of the book, or printed description of the photograph, etc., in the office of the Librarian of Congress. This must be done after the book or composition is published. Two copies or speciments of the book or composition to be copyrighted must also be forwarded to the Librarian of Congress on or before the day of publication. If it is a work of art, a photograph thereof should be transmitted in the same manner. The printing of the book, etc., and the plates, etc., from which they are printed **must be made** in the United States or the copyright is invalid.

SUBJECT-MATTER OF COPYRIGHT

(a) Books, including composite and cyclopaedic works, directories, gazetteers, and other compilations;
(b) Periodicals, newspapers;
(c) Lectures, sermons, addresses, prepared for oral delivery;
(d) Dramatic or dramatico-musical compositions;
(e) Musical compositions;
(f) Maps;
(g) Works of art; models or designs for works of art;
(h) Reproductions of a work of art;
(i) Drawings or plastic works of a scientific or technical character;
(j) Photographs;
(k) Prints and pictorial illustrations.
(l) Motion-picture photoplays;
(m) Motion pictures other than photoplays.

The law expressly requires that the application for registration of any article should distinctly specify to which one of these classes the work in which copyright is claimed belongs. An article is not entitled to registration unless it is reasonably possible to classify it under one or the other of the above designations named in the statute.

Those who desire copyrights should send me their full name and residence, **title** of the book, map, dramatic or musical composition, cut, print or photograph, or a **description** of the painting, drawing or statue, and state whether they claim the right as author, designer or proprietor. The work itself need not be sent. The cost of preparing and filing an application for a copyright is $10.00, Government fee included.

Copyrights may be secured for projected, as well as for complete works. Each number of **periodical** requires a separate copyright. The title of the periodical should include the date and number.

Copyrights are assignable in writing. Such assignments should be recorded in the office of the Librarian of Congress.

Copyright certificates will be sent to applicants as soon as they are received.

MARKING PATENTED ARTICLES

All articles made or sold under a U. S. patent must be marked **" Patented,"** together with the date of the patent. Where it is not practicable to mark every article, the package which contains them should be marked.

In Canada the neglect to mark a patented article subjects the patentee to a heavy fine—in Mexico, Switzerland and Japan, to a forfeiture of certain rights. In no other country is such marking compulsory.

Patented articles should be marked as follows:—

AUSTRIA....."O. P. Nr.———."
BELGIUM....."Bte. No.———."
CANADA....."Patented," followed by the year.
DENMARK....."Dansk Patent No.———."
FRANCE....."Bté. S. G. du G."
GERMANY....."D. R. P. No.———." if for a patent of invention.
GERMANY....."D.R.G.M. No.———," if for a useful model patent.
GREAT BRITAIN and COLONIES....."Patent No.———," and the year.
HUNGARY....."Ung. P. No.———."
ITALY....."Brevattato," followed by the number of the volume and folio of the Reg. Att. wherein the patent is entered and the year. For instance: "Brevettato R. A. Vol. XXX., Fol. 30."
JAPAN....Patent date and number in Japanese language.
PORTUGAL....."Privilegiado Pat. No.———."
LUXEMBERG....."Luxbg. Pat. No.———."
NORWAY....."Norsk Pat. No.———."
RUSSIA....."Patent No.———," (in the Russian language).
SPAIN....."Patentado en Espana No.———."
SWEDEN....'Svenskt Pat. No.———."
SWITZERLAND....Federal Cross and number of patent.
SOUTH AMERICAN COUNTRIES and MEXICO—"Privilegiado en (name of country) No.———."
UNITED STATES....."Patented," followed by the day, month and the year.
COMMONWEALTH OF AUSTRALIA....."Patented," followed by the day and the year the patent was granted.

FOREIGN PATENTS

Very few inventors would take less than $1,000 for their United States or Canadian patents, yet nine-tenths of all patentees really present the entire world, outside of the United States and Canada, with the fruit of their genius by neglecting to patent their inventions abroad.

The inventor looks to reap a rich reward from his invention here. Why would not the same invention be equally or more valuable abroad, where the population is more concentrated and where the invention therefore would be more easily handled than in this comparatively sparsely-peopled country? Over forty thousand United States and Canadian patents are granted each year. Amongst these are many devices of great utility and value. It seems almost incredible that these inventions are actually presented to the people of Europe, whereas by a trifling expenditure the inventions could have been patented in all the principal European countries.

If you are in possession of a meritorious invention, **do not fail** to apply for foreign patents, before some one else has lodged his claim as the prior patentee. The sale of any such foreign patents, even at low figures, will enable you to work your patents elsewhere.

As Canada does not belong to the International Convention, it is advisable for Canadian Inventors to file their foreign applications as early as possible, due to the fact that they will be stopped from filing their applications in some of the foreign countries if publication of their invention reaches those countries before their application. The Canadian Patent Office does not notify you if your patent is about to issue, therefore you cannot wait until your Canadian patent has been allowed before filing your foreign applications.

American inventors should file their foreign applications within one year from the filing of their application in the United States, as the United States is a party of the International Convention. It is also advisable for American inventors to await allowance of their United States application before filing an application in foreign countries.

TIME FOR FILING APPLICATIONS FOR PATENTS

For valid patents application should be made as follows:—

Before publication or public use of the invention anywhere—

§Brazil	§Holland	§Norway
§France	§Hungary	§Sweden
Guatemala	§Mexico	§Tunis

Turkey. (Except official publication).

Before publication anywhere or public use in the country—

Argentina, Finland (official publication of no effect for six months).
§Austria, §Germany (except publications over 100 years old).
Luxemberg (Must be new in Germany, and applied for in Germany within 3 months).
§Belgium (except official publications in favor of patents of importation; also the Government may except foreign official publications).
§Denmark, §Portugal (must be new in Maderia and Azores).
Russia (except official publication), Transvaal.

Before printed publication anywhere—

*Bolivia *Ecuador *Peru *Salvador.
*(Official publication does not affect.)

Note:—The granting of a patent in Argentina, Bolivia, Peru, Paraguay or Uruguay, gives one year provisional protection in the other countries of this group.

Before public use anywhere:—

§Cuba. ('Nauriol' patent).

Before publication or use in the country:—

§Australia (Includes Tasmania and Papua); Bahamas (Unless well known by others); Barbados, British Central Africa (Nyassaland); British Guiana, British Honduras, Cape Colony, Chili, Deccan (Hyderabad), (one year's use by inventor or with his consent is permitted); East Africa Protectorate (Same as Zanzibar); §Great Britain, Indian, §Japan (Includes Formosa and Korea); Leeward Islands, Liberia, §Malta, Mauritius (Same as Zanzibar); Mysore (One year's use by inventor or with his consent is permitted); Natal (Includes Zululand, must apply before expiration of lapse of first foreign patent); §New Zealand, Nicaragua, §Switzerland, Zanzibar. (Prior publication or use in Great Britain invalidates.)

Before public use in the country:—

Bermuda, St. Lucia, St. Vincent, §Trinidad and Tobago.

During the life of a British Patent, but before use in Great Britain or Her possessions (use by inventor or with his consent excepted).

British N. Borneo. *Pahang. Selangor.
*Negri-Sembilan. *Perak. Straits Settlements.

*Publication in Great Britain or the country where application is made, if prior to the date of the British Patent, invalidates the application; except when such publication has been made by the inventor or with his consent and not more than six months previous.

During the life of a British patent, but before use in the country:—

§Ceylon. Hong Kong & Kowloon. Fiji Islands.

During the life of a British patent:—

Falkland Islands. Guernsey. St. Helena.
Gibraltar. Jersey.

During the life of a Foreign patent, but before use in the country:—

Argentina, Belgian Congo, §Cuba, Costa Rica, Fiji Islands, Honduras, §Italy, Jamaica, Newfoundland, §Spain (5 year patent); Panama (U. S. law applies in Canal Zone).

During the life of a Foreign patent:—

§Cuba. §Paraguay. Venezuela.
Egypt. §Santo Domingo.

*Paraguay has a convention with Great Britain, whereby the grant of a British patent entitles the inventor to one year's provisional protection in Paraguay.

During the life of a Certain Prior Patent:—

Danish West Indies (Danish patent); Iceland (Danish patent); Philippines (United States patent); Porto Rico (United States patent); Portuguese Colonies (Portuguese patent).

Within a year from acquisition of a Foreign or the Sealing of a British patent:—

East Africa Protectorate, Zanzibar.

Within a given period after first prior patent:—

§Brazil (Seven months from grant).
Canada (Twelve months from issue or use anywhere).
Mauritius (one year from sealing of British patent).
§Mexico (Three months from date of issue or twelve months from date of application, whichever term is the shortest).
§Norway (the King may conclude conventions with other countries, determining the respective periods).
Roumania (six months from grant).
Southern Rhodesia (one year from date of grant).
Transvaal (one year from date of grant).
Uruguay (one year from issue).

A number of the leading countries and their colonies have formed themselves into a Union for the Protection of Industrial Property. Patentees having industrial or commercial establishments in any one country of the Union, can import their patent articles into any other country of the Union without forfeiture of patent rights.

The application for a patent for an invention in any country of the Union by subjects, citizens, or residents of a country of the Union, or persons having industrial or commercial establishments in that country, gives provisional protection in all the others for twelve months. Trade-marks and designs are similarly protected for four months.

The countries in the above list, which belong to the Union are signified thus§

The following states belong to the " Union for the Protection of Industrial Property": Austria, Belgium, Brazil, Cuba, Denmark, Dominica, France and her colonies, Great Britain, Holland, Hungary, Italy, Japan, Mexico, Norway, Portugal, San Domingo, Servia, Spain, Sweden, Switzerland, Tunis, the United States, the Dutch-Indian Colonies fo Curacao and Surinamand, the English ones of Australia, Ceylon, Gambia, Gold Coast, Malta, New Zealand, Seychelles, Southern Nigeria and Lagos, and Trinidad and Tobago.

In each country of the Union, citizens, subjects, etc., of states members of the Union have three years to work their inventions, even though the law of the country may give a shorter time. In some countries, to obtain the benefit of the three years, it is necessary to state that it is desired to obtain the patent under the convention.

CANADA has not joined this International Convention, therefore Canadians cannot claim the advantages granted thereby.

It is advisable for Canadian inventors to file their foreign applications at as early a date as possible, and at least before his patent is granted or published. By so doing they, will not only head off independent foreign inventors who might otherwise come in during the pendency of the American application, but will defeat the machinations of that class of persons who make a practice of pirating desirable inventions here and obtain patents for them abroad, as first communicators.

COST OF FOREIGN PATENTS

Prices quoted on the following pages include taxes and all other fixed charges, where they exist, for the year, and in all ordinary cases, the adjustment of any technical difficulties that may arise in the respective Patent Offices. Objections on the score of novelty or inoperativeness, requirements for division, limitation, additional drawings and the like (involving extensive alterations), interferences, protests, etc., necessitate additional labor, which will ordinarily be charged for.

A retainer of $30.00 per application is required with the order to go ahead; the remainder is due on the completion of the application papers.

To highly technical cases, especially those involving an intimate acquaintance with the higher mathematics, chemistry, electricity, optics, acoustics, etc.; or some special and intricate branch of industrial art, the agove rates are not applicable, but special rate will be made depending on the nature of the case.

I have at present nearly 200 agencies in Europe alone. These include most of the best known of the British and Continental Patent Agency firms, as well as many others less known but of equal quality. My long experience as an International Patent Attorney has given me unequalled opportunity to gauge the respective merits of my **confreres** abroad. I have also at least one direct agent in every country and each British colony, even the smaller ones. It is my aim to entrust each case to the local agent most qualified as an expert, or otherwise to deal with its particular subject matter.

FOREIGN PATENTS

(Countries marked § belong to the Convention)

Note.— The prices mentioned in the following lists, apply to specifications containing 1,000 words or less. In the case of longer specifications I make additional charges as follows:

1. For every additional 100 words, in English..... $1.00
2. For every additional 100 words, in French, German, Hungarian, Spanish or Italian..... 1.00
3. For every additional 100 words in other European languages.... 2.00

ARGENTINE REPUBLIC—5, 10 or 15 years, $150 to $200

Population—6,800,000.

Area—1,212,000 sq. miles.

Industries—Agriculture, sheep and cattle raising; wool, wheat, hides, tallow and frozen meats, and mining.

Taxes due annually: $20. Workings due within two years.

§AUSTRALIA—14 years, $125

Population—4,400,000.

Area—3,000,000 sq. miles.

Industries—Sheep raising, agriculture, wine making, mining and manufacturing.

Taxes due end of seven years: $50. Workings due within four years.

§AUSTRIA—15 years, $90

Population—28,000,000.

Area—187,000 sq. miles.

Industries—Agriculture, mining, manufacturing of glass and general manufacturing.

Taxes due annually: $25 first year, increasing each year. Workings due within three years.

BAHAMA—21 years, $175

Population—61,000.

Area—4,404 sq. miles.

Industries—Agriculture, sponge, gathering, fruits, hemp fibre, tobacco, cotton, etc.

Taxes end of seventh year $80; end of fourteenth year: $150.

BARBADOS—14 years, $110

Population—197,000.

Area—170 sq. miles.

Industries—Sugar, molasses, rum and cotton.

Taxes due annually: first year $75.

§BELGIUM—20 years, $50

Population—7,500,000.

Area—11,400 sq. miles.

Industries—Manufacturing and mining, iron, lead, copper, zinc, lace, flour and starch, whisky, beer, etc.

Taxes due annually: first year $10. Workings due end of first year.

BERMUDA—14 years, $300

Population—21,000.

Area—19 sq. miles.

Industries—Agriculture, raising of onions, potatoes and arrowroot, coral, etc.

BOLIVIA—3, 6 or 10 years, $225

Population—2,200,000.

Area—985,000 sq. miles.

Industries—Agriculture, mining, rubber, Peruvian bark, etc.

Workings must commence within one year.

§BRAZIL—15 years, $300

Population—20,000,000.
Area—3,200,000 sq. miles.

Industries—Agriculture, growing of woods for dyeing and cabinet work. shipbuilding, fruit, coffee, rubber, tobacco, grain, cattle raising, etc.

Taxes due annually: first year $25. Workings due within three years.

BRITISH GUIANA—14 years, $225

Population—300,000.
Area—90,000 sq. miles.

Industries—Agriculture, sugar, rum, timber, balata, etc.; mining: gold, silver, diamond, etc.

Taxes due at the end of seventh year: $130.

BRITISH HONDURAS—14 years, $150

Population—45,000.
Area—8,600 sq. miles.

Industries—Agriculture and mining; staple products, woods, principally mahogany and logwood; sugar, rubber, fruit, gold, silver, etc.

Taxes due at the end of third year $75; end of seventh year $130.

BRITISH NORTH BORNEO—14 years, $125

Population—1,200,000.
Area—30,000 sq. miles.

Industries—Agriculture, wood, tobacco, rice, gutta-percha, sugar, coal and gold mining, etc.

CAPE COLONY—14 years $120

Population—2,500,000.
Area—277,000 sq. miles.

Industries—Mining, agriculture, tobacco, grain, wheat, maize, sheep farming, ostrich raising, etc.

Taxes due end of third year $60; seventh year $115.

§CEYLON—14 years, $150

Population 4,000,000.

Area—25,500 sq. miles.

Industries—Agriculture: tea, coffee, cocoa, rubber, cinchona, cinnamon, cardamons, ebony, vanilla; precious stones of all sorts; pearl fishing is carried on extensively. The salt industry is a government monopoly.

Taxes due at end of fourth year: $25, and annually thereafter.

CHILI—10 years, $300

Population—3,200,000.

Area—300,000 sq. miles.

Industries—Agriculture: maize, wheat, barley, oats, beans, peas, lentils, vines, tobacco, flax, hemp, chili pepper, potatoes, etc., horse and cattle raising, copper and gold mining, etc.

Date of working is fixed by the Government.

COLUMBIA—5 to 20 years, $150 to $200

Population—4,500,000.

Area—473,000 sq. miles.

Industries—Agriculture: fruits of all sorts, tobacco, coffee, cotton, manufacturing of woolen and cotton goods; mining of iron, lead, copper, coal, gold, silver, platinum, emeralds, etc.

Working must start within one year.

CONGO—20 years, $135

Population—30,000,000.

Area—800,000 sq. miles.

Industries—Agriculture, rubber, palm,oil, ivory, etc.; mining: iron, copper, etc.

COSTA RICA—20 years, $150

Population—370,000.

Area—23,000 sq. miles.

Industries—Agriculture: cocoa, bananas, coffee, hides, fustic, cedar-wood, etc.

Working to start within two years.

§CUBA—17 years, $100

Population—2,000,000.

Area—44,000 sq. miles.

Industries—Sugar and tobacco.
Working to start between first and third year.

§DENMARK—15 years, $60

Population—2,600,000.

Area—15,000 sq. miles.

Industries—Grain, raising of sheep, cattle and horses, manufacturing dairy machinery and apparatus, etc.

Taxes due annually: second year $15. Working due within three years.

DECCAN-HYDERABAD—14 years, $150

Population—11,500,000.

Area—90,000 sq. miles.

Industries—Agriculture: sugar, jute, tea, opium, tobacco, etc.; mining: coal, salpetre, gold, mica, rubies, jade, etc.

Taxes due at the end of fifth year: $5.

EAST AFRICA PROTECTORATE—14 years, $170

Population—4,000,000.

Area—175,000 sq. miles.

Industries—Grain, rubber, fibre, copra and ivory.

Taxes due at end of fourth year: $50; eighth year $100.

ECUADOR—10 or 15 years, $200

Population—1,300,000.

Area—127,000 sq. miles.

Industries—Cocoa, ivory, coffee, cotton, rubber, archella, wood, straw-hats, and hammocks, barks, yearns, tobacco, fruits, wheat, sarsaparilla, silver, copper, quick-silver, lead, iron, etc.

Working to start within one year.

FALKLAND ISLANDS—14 years, $175

Population—3,600.

Area—6,500 sq. miles.

Industries—Sheep farming and sea-faring industries.

FIJI—14 years, $250

Population—120,000.

Area—7,500 sq. miles.

Industries—Agriculture: bread-fruit trees, bananas, plantains, yams, dolo, peanuts, cocoanuts, sugar cane, tea, cotton, maize, tobacco, arrow-root, etc.

FINLAND—15 years, $150

Population—3,000,000.

Area—144,000 sq. miles.

Industries—Agriculture: oats, barley, rye, potatoes, etc.; great saw mills and paper manufactures; exporting timber, farming produce, etc.

Taxes due annually: second year $10. Workings due within three years.

§FRANCE AND COLONIES—15 years, $90

Population—40,000,000.

Area—207,000 sq. miles.

Industries—Nearly all important industries, the most important being the manufacture of metals, watches, jewelry, cabinet work, carving, pottery, glass, chemicals, dyes and dyeing, paper, woollens, carpets, linen, silk, lace, etc. Oyster culture is a very important industry. Agriculture products include vine raising, wheat, barley, oats, rye, maize, potatoes, sugar-beets, hops, etc., in great quantities.

Taxes due annually: $25. Workings due within two years.

§GAMBIA—14 years, $135

Population—150,000.

Area—3,600 sq. miles.

Industries—Agriculture: grain, nuts, beeswax, rubber, rice, cotton, millet, maize, hides, etc.

Taxes due annually: after fourth year, $75.

§GERMANY, COLONIES AND PROTECTORATES—15 years, $75

Population—60,000,000.
Area—210,000 sq. miles.

Industries—Agriculture, manufactures and mining. Exports: sugar (raw and refined), woollen cloth stuffs and part silk stuffs, iron, pig iron, ingots, toys, aniline dyes, furs, printed cottons, upper leather for boots, bicycle parts, raw zinc, saddle and luggage wares, woollen and linen embroideries, cotton gloves, pianos, wheaten flour. In addition, Germany manufactures practically all industrial articles for home consumption and also has a large shipbuilding business, and is remarkably well developed in every line of industry.

Taxes due annually: first year $20. Workings not required by U. S. citizens.

GIBALTAR—14 years, $250

(Population—(Civilian only) 18,000.
Area—3 miles long by ¾ mile broad.
Industries—None of importance.

§GOLD COAST COLONY—14 years, $150

Population—895,350.
Area—120,000 sq. miles.

Industries—Gold in great quantities, rubber, gum-copal, lumber, ivory, cocoa, Guina grain and oil, etc.

Taxes due annually: end of fourth year $75.

§GREAT BRITAIN—14 years, $90

Population—47,000,000.
Area—121,000 sq. miles.

Industries—Manufacturing of all kinds, especially of machinery and apparatus, mining operations on a large scale; agriculture of all kinds still employs a large part of the population.

Taxes due annually: after fourth year $30. Workings within four years.

GRENADA—14 years, $125

Population—74,000.
Area—130 sq. miles.

Industries—Agriculture: coffee, cocoa, cotton, fruit, rubber, spices, etc.; timber, turtles, etc.

Taxes due after fifth year, $25.

GUATEMALA—15 years, $225

Population—2,000,000.

Area—47,000 sq. miles.

Industries—Agriculture: coffee, sugar, rubber, bananas, hides, timber, etc.

Taxes due annually: $25. Workings due within one year.

§HOLLAND—15 years, $100

Population—5,700,000.

Area—12,600 sq. miles.

Industries—Agriculture: horses, sheep, cattle, poultry and swine raising; flax, hemp, tobacco, cotton, woollens, etc.; manufacturing of bricks, margarine, cocoa, chocolate, linen, candles, confectionery, earthenware, automobiles, boats, shoes, starch, potatoes, flour, printing and accessories, engines, bicycles, fecula, oils, beer, geneva and other liquors. Diamond cutting is also well developed and carried on extensively.

Taxes due annually: second year $25. Workings within five years.

HONDURAS—20 years, $130

Population—775,000.

Area—43,000 sq. miles.

Industries—Agriculture and great gold, silver, iron, copper, etc., mines; fruit, sugar, tobacco, cotton, coffee, sarsaparilla, rubber, mahogany, indigo, hides and skins, cedar, fustic, rosewood; cattle raising, etc.

Taxes due annually; usually $25 each year.

HONG-KONG—Good for the remainder of the term of the British equivalent patent—14 years, $130

Population—4,200,000.

Area—400 sq. miles.

Industries—An immense trade in sugar, opium, flour, amber, cotton, oil, ivory, betel, sandal-wood, rice, tea, woollens, silks, salt, etc. It is a free port and possesses fine docks, shipbuilding and repairing being carried on to a great extent.

§HUNGARY—15 years, $75

Population—20,000,000.

Area—125,000 sq. miles.

Industries—Agriculture: grain of all sorts; cattle, sheep, horse and swine raising; mining; gold, silver, copper, antimony, lead, quick-silver, iron, coal, sulphur, etc.; manufactures on a large scale are carried on in all important industries.

Taxes due annually: second year $20. Workings due within three years.

INDIA—14 years, $80

Population—300,000,000.
Area—1,800,000 sq. miles.

Industries—Agriculture, which employs two-thirds of the population, cotton; mining, coal, crude petroleum, salt, manganese, saltpetre, gold, mica, rubies, jade, etc. There are also many kinds of manufacturing, including woollen, and paper mills, breweries, distilleries, etc.

Taxes due annually: after fourth year $25. Workings due within four years.

§ITALY—15 years, $70

Population—34,000,000.
Area—110,000 sq. miles.

Industries—Agriculture, manufacturing and mining. The cultivation of silk, is an important industry as is also fruit raising. The chief products and exports are: olive oil, wine, candied citron, sienna earths, pastes, coral, rags, boracic acid, raw and thrown silk, hemp, cattle, straw-hats, rice, iron, zinc and copper ores, sulphur, marble, fruit, vegetables, fresh and prepared meats, poultry, chemicals and their products; woods, roots, etc. for dyeing and tanning; artistic works, etc. The chief manufactures are woollen, straw and felt hats, furniture, chemical products, paper, machinery of all sorts, mosaics, pottery, Venetian vases, alabaster ornaments, etc., beet sugar. The principal mining products are iron, lead, zinc, copper, manganese and antimony ores, sulphur, gypsum, amianthus, alum, boracic acid, gold and silver, etc.

Taxes due annually: second year $15. Workings due within two years.

JAMAICA—14 years, $175

Population—900,000.
Area—40,000 sq. miles.

Industries—Agriculture: tropical fruit and products of all sorts, including sugar, rum, coffee, bananas, oranges, maize, rare cabinet woods, dye-woods, etc.

§JAPAN—15 years, $125

Population—50,000,000.
Area—163,000 sq. miles.

Industries—Agriculture, mining and manufacturing. Agricultural products of all sorts, including tobacco, tea, potatoes, wheat, rice, etc. Mining products include copper, iron, silver, agate and rock crystal, coal, etc. The chief manufactures are silk, cotton, matches, paper, grease, lacquer ware, porcelain, bronze, etc. Shipbuilding is carried on extensively.

Taxes due annually: fourth year $15. Workings due within three years.

LEEWARD ISLANDS—14 years, $200

Population—128,000.

Area—700 sq. miles.

Industries—Sugar, molasses, cotton, tamarinds, arrow-root, corn, pepper, tobacco, vegetables of all sorts; and raising of sheep, ponies, cattle, goats, etc.

Taxes due annually: fourth year $30.

LIBERIA—20 years, $250

Population—1,500,000.

Area—48,000 sq. miles.

Industries—Agriculture: coffee, cocoa, palm kernels, palm oil, ivory, cassava, rubber and camwood, etc.

LUXEMBURG—15 years, $50

Population—250,000.

Area—1,000 sq. miles.

Industries—Agriculture and mining, chiefly iron.

Taxes due annually: second year $10. Workings due within three years.

§MALTA—14 years, $100

Population—(Civilian) 216,000.

Area—90 sq. miles.

Industries—Agriculture: corn, onions, potatoes, grapes, oranges, melons, cumin seed, figs, honey, etc. Lace making is an important industry. Also a great deal of shipping is carried on, the harbor being one of the best in the world.

Taxes due annually: fourth year $35.

MAURITIUS—14 years, $200

Population—375,000.

Area—720 sq. miles.

Industries—Chiefly sugar, most of the necessaries of life are imported.

§MEXICO—20 years, $85

Population—13,500,000.

Area—760,000 sq. miles.

Industries—Agriculture and mining. Agriculture: maize, wheat, barley, Chili-pepper, cotton, coffee, sugar, tea, tobacco, vanilla, hemp, flax, grapes and all kinds of tropical fruits; mahogany, ebony, caoutchouc, etc. Mining: gold, copper, lead, silver, quick-silver, iron, coal, etc. Manufacture of woollen and cotton goods, etc.

Workings due within five years.

MYSORE—14 years, $155

Population—5,500,000.

Area—30,000 sq. miles.

Industries—Agriculture, cotton and other products common to India.

Taxes due annually: five years $35.

NATAL—14 years, $120

Population—1,200,000.

Area—35,000 sq. miles.

Industries—Agriculture and mining. Agriculture: maize, sugar, coffee, arrowroot, ginger, tobacco, bananas, vegetables, pepper, tea, etc.; raising of sheep, cattle and horses, etc. Mining: coal, asbestos, fire clay, gold, graphite, gypsum, iron, lead, silver, limestone, marble, manganese, molybdenum, nickel, nitre, tin, etc. The mining, refining, working, etc. of the great iron mines forms an important industry; as does also the timber trade. Experiments are being made in growing cotton.

Taxes due third year: $35; seventh year $60.

NEGRI SEMBILAN—14 years, $170

Population—100,000.

Area—2,600 sq. miles.

Industries—Agriculture: coffee, cocoanuts, rice, rubber, sugar, etc.; mining: the main mining product is tin.

Taxes due at the end of seventh year: $45.

NEWFOUNDLAND—14 years, $150

Population—235,000.

Area—40,000 sq. miles.

Industries—Fishing, agriculture, mining and lumbering. The cod and seal fishing form important industries, as do also the manufacture of pulp and paper. Cod, whale and seal oils are purchased and exported in large quantities. The tinning of lobsters is another important industry. The cheif mining products are copper, copper ore, iron pyrites and other minerals.

Workings due within two years.

NEW ZEALAND—14 years, $60

Population—900,000.

Area—105,000 sq. miles.

Industries—Agriculture and mining. Agriculture: flax, butter, cheese, tallow, gum, timber, sheep, wool, twine, kauri pine and kauri pine rosin, etc. Mining: coal mining forms an important industry, also the mining of gold, iron and copper.

Taxes due third year: $35.; sixth year $60. Workings due within three years.

NICARAGUA—5 to 10 years, $150

Population—600,000.

Area—52,000 sq. miles.

Industries—Agriculture, rubber, mahogany, coffee, sugar, cocoa, etc.; cattle and sheep raising. There is a little gold mining.

Taxes due annually: cost fixed by Government. Workings due within one year.

NORTHERN NIGERIA—14 years, $170

Population—8,000,000.

Area—256,000 sq. miles.

Industries—Agriculture: maize, plantains, earth nuts, yams, cassava, cocoa, coffee, cotton, palm oil, palm kernels, ivory, gum, copal, etc. Tin is also produced and exported.

Taxes due annually: fourth year $65.

§NORWAY—15 years, $70

Population—2,400,000.
Area—124,000 sq. miles.

Industries—Agriculture, mining and fishing. The herring and cod fisheries form a very important industry; the fish and fish oil being exported to a great value every year. Mining forms an important industry, many minerals and their products being produced. Timber dressing, mechanical engineering, textile manufactures, ship building, pulp making, match manufacturing, dairy products, skins, furs, etc., all form important industries.

Taxes due annually: second year $10.

NYASSALAND PROTECTORATE—14 years, $150

Population—1,000,000.
Area—43,000 sq. miles.

Industries—Agriculture: coffee, cotton, chillies, tobacco, ivory, tea, ground nuts, rubber, etc.

Taxes due annually: fifth year $35. Workings due within four years.

ORANGE FREE STATE—14 years, $170

Population—387,000.
Area—50,000 sq. miles.

Industries—Agriculture and mining; woods, ostrich plumes, hides, diamonds, garnets, coal, etc.

Taxes due third year $35; seventh year $60.

PAHANG—14 years, $170

Population—85,000.
Area—14,000 sq. miles.

Industries—Mining, chiefly tin. Agriculture: coffee, cocoanuts, sugar, rice, rubber, etc.

Taxes due at the end of seventh year: $150.

PANAMA—5 to 20 years, $170 to $350

Population—450,000.
Area—32,000 sq. miles.

Industries—Agriculture and mining, gold, hides, rubber, mother-of-pearl, shells, cabinet woods, bananas, and medicinal plants.

Within the first one-third of the term of patent.

PERAK—14 years, $170

Population—330,000.

Area—6,600 sq. miles.

Industries—Agriculture and mining: the main mining product is tin. Agriculture, coffee, cocoanuts, sugar, rice, rubber, etc.

Taxes due at end of seventh year: $50.

PERU—10 years, $200

Population—4,000,000.

Area—500,000 sq. miles.

Industries—Mining and agriculture; mining: silver, gold, copper, quicksilver, coal. Agriculture: cocoa, coffee, sugar, cocain, guano, llama and alpaca wool, etc. The large petroleum beds and rubber forests provide two important —very important—industries.

Working due within two years.

PORTUGAL—15 years, $75

Portugal—Including the Azores and Maderia, 5,500,000.

Area—35,500 sq. miles.

Industries—Mining and manufacturing, and agriculture: wheat, barley, oats, maize, flax, hemp, the vine, rice, alines, oranges, lemons, figs, almonds, etc.; large forests of oak sea pine, cork, and chestnut exist. The mining products are: lead, copper, tin, antimony, coal, manganese, iron, bay salt, etc. The chief manufactures are: gloves, silk, woollen, linen, and cotton fabrics, metal and earthenware goods, tobacco, cigars, etc. The production and exporting of mine products forms an important industry.

Taxes due annually: $10. Workings due within two years.

RHODESIA (Southern)—14 years, $100

Population—715,000.

Area—77,000 sq. miles.

Industries—Agriculture and mining; tobacco, rubber, cotton, grain of all kinds, fruits and vegetables of all kinds; gold, silver, coal, diamonds, lead, iron, asbestos, etc. The gold mining forms an important industrv.

Taxes due annually: third year $20.

ROUMANIA—15 years, $150

Population—6,700,000.

Area—50,000 sq. miles.

Industries—Agriculture and mining. Agriculture: maize, millet, barley, rye, beans, peas, vine growing, fruits of all sorts, etc. Cattle and sheep raising form an important industry. There are also great forests which furnish woods of all kinds. The mining of rock salt forms an important industry.

Taxes due annually: second year $20. Workings due within four years.

RUSSIA—15 years, $185

Population—157,000,000.

Area—8,235,000 sq. miles.

Industries—Agriculture, manufacturing and mining. Large forests exist and the timber forms an important industry. Rye, wheat, barley, oats, millet and other grains are produced in great quantities, as are also potatoes, hemp, flax, tobacco, etc. Manufacturing of all sorts is carried on extensively. The mining products include gold, platinum, copper, iron, rock salt, kaolin, marble, lead, etc. The largest output of petroleum in the world comes from Russia. while both steam and anthracite coal exist in inexhaustible quantities.

Taxes due annually: second year $20. Workings within five years.

SAN SALVADOR—20 years, $225

Population—1,000,000.

Area—7,200 sq. miles.

Industries—Agriculture: coffee, indigo, tobacco, sugar, balsam, rice, hides, cedar, and fustic. There is also some silver mining.

Taxes due annually: $15.

SANTO DOMINGO—5 to 15 years, $200 to $250

Population—600,000.

Area—1,800 sq. miles.

Industries—Agriculture and mining; cocoa, sugar, coffee, tobacco, mahogany and other woods, wax, honey, logwood, fustic, turtle, sheep hides, bananas. divi-divi, etc. Gold mining is also carried on.

Workings required within five years.

SELANGOR—14 years, $170

Population—170,000.

Area—3,200 sq. miles.

Industries—Agriculture: gutta-percha, rubber, pepper, gambier, hides, horns, canes, rice, sago, tapioca, spices, dye-stuffs, rattan, coffee, tobacco, gums, tin, etc.

Taxes due end of seventy year: $50.

SEYCHELLES ISLANDS—14 years, $175.

Population—22,500.

Area—150 sq. miles.

Industries—Agriculture: vanilla, cocoanuts, cocoanut oil, tortoise shell, cocoa, soap and guano.

Taxes due annually: end of fourth year $50.

§SOUTHERN NIGERIA—14 years, $250

Population—600,000.

Area—77,000 sq. miles.

Industries—Agriculture: maize, plantains, earth nuts, yams, cassava, cocoa, coffee, cotton, palm oil and kernels, ivory, gum, copal, rubber, etc. Tin is also produced and exported.

§SPAIN—20 years, $75

Population—20,000,000.

Area—196,000 sq. miles.

Industries—Great copper, lead and iron mines, besides other minerals. Agriculture: vine growing, olives, oranges, lemons, pomegranates, dates, wheat, barley, maize, etc.

Taxes due annually: second year $10. Workings within three years.

ST. LUCIA—14 years, $150

Population—56,000.

Area—230 sq. miles.

Industries—Agriculture: wood, cocoa, coal, sugar, rum, fuel and sticks. At port Castries there is a fine station.

Taxes due annually: fifth year $25.

ST. VINCENT—14 years, $125

Population—53,000.
Area—140 sq. miles.

Industries—Agriculture: sugar, molasses, rum, arrowroot, cassava, cocoa, cotton, coffee, spices, etc.

Taxes due annually: fifth year $25.

STRAITS SETTLEMENTS—14 years, $145

Population—500,000.
Area—15,000 sq. miles.

Industries—Agriculture, mining, gutta-percha, gambier, rubber, horn, hides, pepper, canes, rice, sago, sugar, spices, tapioca, dye-stuffs, rattans, tobacco, gums, coffee, etc.

SWAZILAND—14 years, $120

Population and Area included under Transvaal.

Industries—Agriculture and mining, fruits and vegetables of all sorts, cattle and sheep raising, etc., gold and silver mines are being rapidly opened up and developed.

Taxes due annually: third year $30.

§SWEDEN—15 years, $70

Population—5,476,000.
Area—173,000 sq. miles.

Industries—Agriculture and mining; wood of all sorts, especially pine, birch and fir, pitch, tar, oats, rye, barley, potatoes, dairy products, etc. The mining products include iron and steel of a very high grade, gold, silver, copper, lead, nickel, zinc, cobalt, alum, sulphur porphyry, marble, coal, etc. The match induftry of this country is one of the finest in the world.

Taxes due annually: second year $15.

§SWITZERLAND—15 years, $60

Population—2,500,000.
Area—15,500,000.

Industries—Agriculture, dairy farming and manufactures. Agriculture: oats, wheat, maize, hemp, flax, tobacco, non-tropical fruits of all sorts, and vegetables. The manufactures are hides, silk, cotton, linens, lace, thread, woollens, etc. The manufacture of clocks and watches forms an important industry. Leather gloves, tobacco and snuff, cheese, condensed milk, etc., are also made in large quantities.

Taxes due annually: second year $10.

TRANSVAAL—14 years, $125

Population—1,400,000.

Area—110,500 sq. miles.

Industries—Mining and agriculture: gold, silver and coal mines are worked extensively; iron and other metals are also mined to a slight extent. This country is one of the greatest diamond producing countries in the world.

Taxes due annually: end of second year $20.

§TRINIDAD AND TOBAGO—14 years, $150

Population—350,000.

Area—1,750 sq. miles.

Industries—Mining and agriculture; sugar, cocoa, melons, rum, cocoanuts, timber, fruit and oil. Coal is mined in large quantities. The great pitch lake, which contains an inexhaustible supply, is continuously worked.

§TUNIS—15 years, $100

Population—1,900,000.

Area—45,000 sq. miles.

Industries—Agriculture: barley, beans, bran, cork, dates, esparto grass, oats, olive oil, tan bark, wheat, wine, wool, hides, etc. Sheep and goat raising form an important industry. Blankets, fez caps and carpets are manufactured and exported. Zinc, lead and tunny fish are also exported.

Annual taxes: $25. Workings within two years.

TURKEY—15 years, $100

Population—27,000,000.

Area—1,145,000 sq. miles.

Industries—Mining, agriculture, sheep farming. The mining products include iron, lead, silver, copper, sulphur, salt, alum and coal. The agricultural products include rice, barley, millet, maize, sesame and other oil seeds, olives, tobacco, wine, citron, oranges, peaches, plums and other fruits; woods of all sorts. Sheep farming forms an important industry.

Taxes due annually: $25. Workings due within two years.

URUGUAY—9 years, $175

Population—1,000,000.

Area—72,000 sq. miles.

Industries—Agriculture, mining, sheep and cattle raising. Agriculture: wool, hides, horn, tallow, jerked beef, wheat, barley, maize, etc. Sheep and cattle raising forms a great industry and constitutes the main value of the country. Gold mining is carried on to some extent.

Taxes payable annually: $45. Workings required by grant.

VENEZUELA—5 to 15 years, $170 to $300

Population—2,700,000.

Area—360,000 sq. miles.

Industries—Agriculture and mining. Coffee, cocoa, balata gum, cattle, hides, etc., are produced. Gold and other metals are mined.

Workings due between six months and two years.

ZANZIBAR—14 years, $140

Population—250,000.

Area—1,000 sq. miles.

Industries—Cloves, copra, gum, copal. ivory and many other articles are produced and exported.

Taxes due: fourth year $60; eighth year $100.

Countries marked § belong to the Convention, see page 51.

COUNTRIES WHICH MY CLIENTS USUALLY SELECT AS THE BEST IN WHICH TO OBTAIN PATENTS

United States (not including final Government fee, $20)		$ 75
Great Britain (complete patent)	14 years	90
Great Britain (Provisional Protection)	9 months	*25
France	15 years	90
Belgium	20 "	50
Germany	15 "	75
Germany (Model Patent)	6 "	40
Austria	15 "	90
Hungary	15 "	75
Italy	15 "	70
Norway	15 "	70
Denmark	15 "	60
Spain and Colonies	20 "	75
Portugal	15 "	75
Russia	15 "	185
Sweden	15 "	70
Switzerland	15 "	60
The Commonwealth of Australia, comprising New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania	14 "	125
New Zealand	14 "	60
Transvaal (complete patent)	14 "	125
Transvaal (Provisional Protection)	9 months	30
Japan	15 years	125
Mexico	20 "	85
Newfoundland	14 "	150

Extra Specification. — When the specification above exceeds 1,000 words an additional charge is made as follows:—

For 100 words in English	$1.00
For 100 words in French, German, Spanish, Hungarian and Italian	1.00
For 100 words in other European languages	2.00

Extra Drawings, per sheet, according to amount of work required, $5 to $15.00.

*Where provisional protection is taken, the cost of completing the patent is but $60.00.

COUNTRIES ARRANGED GEOGRAPHICALLY

EUROPE

Austria	15	years	$90
Belgium	20	"	50
Channel Islands			
Guernsey	14	"	100
Jersey	14	"	100
Czechoslovakia	15	"	100
Denmark	15	"	60
Esthonia		"	200
Findland	15	"	150
France	15	"	90
Germany	15	"	75
Germany (Model Patent)	6	"	40
Gibraltar	14	"	250
Bulgaria, Servia, Siam	There are no Patent Laws, but concessions by special legislative Act are sometimes obtainable.		
Great Britain	14	"	90
Greece	14	"	100
Holland	15	"	100
Hungary	15	"	75
Iceland		"	200
Italy	15	"	70
Jugoslavia		"	200
Luxembourg	15	"	50
Malta	14	"	100
Norway	15	"	70
Poland	15	"	100
Portugal	15	"	75
Roumania	15	"	150
Russia	15	"	185
Spain and Colonies	20	"	75
Sweden	15	"	70
Switzerland	15	"	60
Turkey	15	"	100

AUSTRALASIA

Commonwealth of Australia	14	years	$125
Fiji Islands	14	"	250
New Zealand	14	"	60

CENTRAL AMERICA

British Honduras	14 years	$150
Costa Rica	20 "	150
Guatemala	15 "	225
Honduras	20 "	130
Nicaragua	10 "	150
San Salvador	20 "	225
Panama	5-15 "	170-350

SOUTH AMERICA

Argentine Republic	5, 10, 15 years	$200
Bolivia	3, 6, 10 "	225
Brazil	15 "	300
British Guiana	14 "	225
Chile	10 "	300
Columbia	5 to 20 "	150-200
Ecuador	10-15 "	200
Falkland Islands	14 "	175
Paraguay	100 "	250
Peru	10 "	200
Uruguay	9 "	175
Venezuela	5-15 "	170-300

WEST INDIES

Bahama Islands	21 years	$175
Barbados	14 "	110
Bermuda	14 "	300
Cuba	17 "	100
Danish West Indies	15 "	135
Grenada	14 "	125
Haiti	14 "	100
Jamaica	14 "	175
Leeward Islands	14 "	200
Porto Rico	"	75
St. Helena	14 "	150
St. Lucia	14 "	150
St. Vincent	14 "	125
San Domingo (Dominican Republic)	5-15 "	200-250
Trinidad	14 "	150
Virgin Islands	14 "	90

ASIA

British North Borneo	14 years	$175
Ceylon	14 "	150
China	No patent Law, but Inventions may be registered at China's Foreign Office.. 14 "	150
Hong Kong	Granted for inventions patented in Great Britain	150
Federated Malay States	14 "	200
Hyderabad (Deccan)	14 "	200
India	14 "	80
Japan	15 "	125
Pahang	14 "	170
Perak	14 "	170
Jedhpur (Marwar)	14 "	125
Johore	14 "	225
Kedah	14 "	250
Kelantan	14 "	250
Korea (covered by Japan).		
Mysore	14 "	155
Philippine Islands	"	75
Sarawak	14 "	325
Straits Settlements	14 "	145
Tippera	14 "	125
Travancore	15 "	135

AFRICA

Basutoland	14 years	$125
Belgian Congo Free State	20 "	135
Cape Colony	14 "	120
East Africa (British)	14 "	170
Egypt.—		
Cairo	7 "	100
Alexandria	7 "	100
Mansurah	7 "	100
Registration of all three	7 "	200
Gambia (British)	14 "	160
Gold Coast Colony	14 "	150
Liberia	20 "	250
Natal	14 "	120
Nigeria	14 "	200
Nyassaland (British Central Africa)	14 "	150
Orange Free State	14 "	120
Portuguese Colonies (Each)	20 "	75
Rhodesia	14 "	100

AFRICA—*Continued*

Seychelles Islands	14	"	175
Sierra Leone	14	"	175
Southwest Africa	14	"	200
Swaziland	14	"	120
Selangor	14	"	170
Transvaal	14	"	170
Union of South Africa	14	"	150
Uganda	14	"	250
Zanzibar	14	"	140

FOREIGN TRADE-MARKS

Argentine	$110
Australia	90
Austria	80
Bahama Islands	90
Barbados	85
Belgium	75
Bermuda Islands	100
Bolivia, 10 years	all taxes paid 105
Brazil	110
Brazil, Independent of United States Registration	155
British Central Africa (see Nyasaland)	
British Guiana	95
British Honduras	95
British North Borneo	100
Bulgaria	100
Ceylon	95
Channel Islands	75
Chile	85
China	80
Colombia	130
Congo Free State (Caleld Belgian Congo)	80
Costa Rica	95
Cuba	95
Curacao	90
Cyprus	90
Czecho-Slovakia	80
Deccan	95
Denmark	90
Dominican Republic, 10 years	105
Dutch East Indies	85
East Africa Protectorate	90
Ecuador	125

FOREIGN TRADE-MARKS—*Continued*

Egypt	for each registration ..	75
Eritrea		90
Falkland Islands		105
Federated Malay States (comprising Negri-Sembilan, Pahang, Perak and Selangor)		85
Fiji Islands		100
Finland		75
France		85
Gambia		90
Germany		80
Gibraltar		100
Gold Coast Colony		95
Great Britain		80
Greece		115
Grenada		80
Guatemala		110
Haiti		115
Holland		85
Honduras		140
Hong Kong		130
Hungary		80
Iceland		100
India		75
Italy		80
Jamaica		100
Japan		85
Johore		90
Jugo-Slavia		110
Leeward Islands		90
Liberia		135
Luxembourg		75
Malta & Gozo		85
Mauritius		90
Mexico		90
Morocco (French Zone)		90
Mysore		90
New Foundland		90
New Zealand		75
Nicaragua		100
Nigeria		100
Norway		85
Nyasaland (British Central Africa)		95
Oman		90
Panama, 10 years		135

FOREIGN TRADE-MARKS—*Continued*

Paraguay		130
Peru		100
Philippine Islands		90
Poland		85
Porto Rico		80
Portugal		80
Portuguese Colonies	for each colony	80
Rhodesia		120
Roumania		85
Russia		200
St. Helena		95
St. Lucia		100
St. Vincent		80
Salvador	Tax paid five years	125
Santo Domingo (See Dominican Republic)		
Sarawak		90
Seychelles Islands		95
Siam		105
Sierra Leone		95
Spain, 20 years	Tax paid 5 years	85
Spain, 20 years	Tax paid 10 years	90
Spain, 20 years	Tax paid 20 years	100
Straits Settlements		95
Sudan		90
Surinam		90
Sweden		95
Switzerland		85
Trinidad & Tobago		100
Tunis		75
Turkey		130
Uganda		95
Union of South Africa		90
Uruguay		120
Venezuela		95
Virgin Islands (Reigstration)		75
Zanzibar		110

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